PRESENTED TO THE LIBRARY

BY

Mrs. Peter Redpath.

F45 .9R2r.2
v.96




No. 97589

Library of McGill University

MONTREAL.

Received 1903

# REDPATH TRACTS

## ESSAYS AND SHORT TREATISES

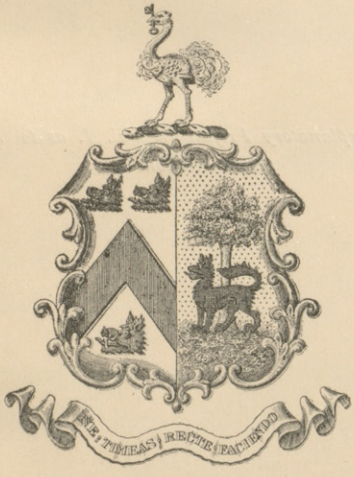
1800–1900

COLLECTED BY

STUART J. REID

AUTHOR OF 'LIFE AND TIMES OF SYDNEY SMITH'
'LORD JOHN RUSSELL' ETC.

VOL. XCVI.




THE GIFT OF MRS. PETER REDPATH
TO THE
REDPATH LIBRARY, McGILL UNIVERSITY
MONTREAL

LONDON : MCMIII.

*NOTE.—See Explanatory Preface in Vol. I. as to the scope of this Collection.*

# Contents


1. What is Corporation of London. etc. Toulmin Smith.
2. Delays in Chancery.
3. Regina versus Conway.
4. Stop-Thief. Cruikshank.
5. Pat's Apology.
6. Early Fruits of Irish Missions.
7. Letter de M. Libri. Institut de France.
8 do do
9. History of Mormonites. Frere.
10. Study of Archaeology. Newton.
11. Druidic Stones.
12. Observations on Discovery Prof: Lepsius. Stones Nile Valley.
13. Our Institution. Brit: Institution John A. Symonds.


37589

W. R. Ashurst
Vol 95-1

# WHAT IS

THE

# CORPORATION OF LONDON?

AND

# WHO ARE THE FREEMEN?

By J. TOULMIN SMITH, Esq.,

OF LINCOLN'S INN, BARRISTER-AT-LAW.

---

"The Corporation of the City of London embraces, according to law and ancient right, all the Commonalty of the said City who have been Occupiers within the said City for the space of a year and a day; and it is the duty of all the said Commonalty to take part in all that relates to the welfare of the said City, and to discharge actively, of and within themselves, the functions which belong to them as members of that Corporation."—*Resolution of a Wardmote of Farringdon Without*, 14*th Dec.* 1849.

"The least citizen has as much and as true an interest in the Corporation of the City of London as the greatest."—*Speech of the Recorder of London*, 1683.

---

LONDON:

EFFINGHAM WILSON, ROYAL EXCHANGE.

1850.

Printed by Richard and John Edward Taylor, Red Lion Court, Fleet Street.

# PREFACE.

MUCH misconception exists as to the proceedings taken in several Wardmotes lately held in the Ward of Farringdon Without, and as to the steps which have followed from them. Many are unaware of the merits of the questions discussed: some profess alarm at the steps taken. Circumstances quite unpremeditated on my part, forced me, contrary to my usual habit and tastes, into publicly taking the leading part on these occasions. There is some call on me, therefore, to do my best to remove both the above described states of feeling. The history, Constitution, and influence of the Corporation of London have long been my study; and I have observed, with surprise and regret, that those works which treat of its Laws and Customs either omit, or pass slightly over, what is really the most important—its Constitutional History. This, then, is briefly traced in these pages; which it is right, however, to say contain only a small part of the matter which I have collected on the subject.

It is not only on account of the "freedom" question that these inquiries are now important. They bear directly upon the most essential points relating to the maintenance of the integrity and independence of the Corporation of London, and to the preservation, at this very time, of some of its longest cherished and most characteristic rights and functions.

I do not think it proper to touch here on any of the matters to which I thus allude. I shall probably take another opportunity of so doing.

Mr. Alderman Sidney recently gave notice of bringing into Parliament the Bill named in the following pages; and, in so doing, he appears to me to have given the best proof of his determination to discharge faithfully his duties as a citizen, and to maintain the true dignity, character, and integrity of the Corporation of the City of London. A difference of opinion, in quarters of the highest authority, as to whether this would be a Public or a Private Bill, renders another immediate course desirable; and I confess that I cannot myself regret this. I have always maintained that it is the place of the Common Council, and not of Government or Parliament, to effect the desired objects. The Common Council has the power to do this; and I venture to hope that this power may yet be exercised, before this Bill shall, by other means, be passed into a Law. I purposely, therefore, here print the Bill, as originally drawn by me. And I shall only rejoice if any assistance be thus afforded to the Common Council of the City of London in carrying out objects which it will contribute so greatly to the dignity, honour, and future usefulness of that body if it take upon itself earnestly and sincerely to originate and ratify.

8 Serjeant's Inn,
19 February 1850.

# WHAT IS THE CORPORATION OF LONDON?

AND

# WHO ARE THE FREEMEN?

---

THE call for a "Reform of the Corporation of London" has been loudly raised during all the last quarter of a century. Earnest men have raised it from a conviction that something was not right in the practical working of the Corporation. Agitators have made it the handle for a temporary popularity, or for ends even less legitimate. Nor is the language of "Reform" even thus recent only. When deliberate blows were being systematically aimed at the liberties of England, and, among other measures to that end, the enforced forfeiture of all corporate rights was sought, in the reign of Charles the Second, "Reform" was made the colorable pretext. "This *quo warranto* is not brought," declared the Attorney-General in the case of the *quo warranto* against the City of London, "to destroy, but to reform and amend the government of the City, by pruning it of those excesses and exorbitances of power, which some men (contrary to their duty, and the known laws of the Land) have assumed to themselves under colour of their corporate capacity, to the reviling of their prince, the oppression of their fellow-subjects, and to the infinite disquiet of their fellow-citizens."

Why honest and earnest attempts, in our day, to amend what is felt to be wrong have hitherto failed, may be readily explained. The present day is marked by expediency and empiricism. PRINCIPLES are not searched out, and made the unswerving standard. Vague, indefinite, and empirical suggestions are made by really honest men; but it is forgotten that what has endured for so many centuries must have had something very sound at the bottom of it, which it must be well worth while to search into. Most men live, now, too much in a hurry for them to bear in mind the ever necessarily co-extensive and mutually dependent rights and duties whose active discharge distinguishes free men.

The note of "Reform" of the Corporation of London was again lately sounded. Satisfied that no faith was worthy to be placed in any scheme of Reform which was not built up on the foundation of Constitutional Principles, I attended, as a citizen of London, a meeting called for this purpose. I had the opportunity of expressing my views. They were favourably received. Since that day (26th Nov. 1849) six regular and lawful Wardmotes have been held within the Ward of Farringdon Without, at which, successively, I have brought forward, explained, and supported those views of the Constitutional Principles of the Corporation of London, guidance by which seems to me to offer the only hope of a satisfactory result.

At the first of these Wardmotes I brought forward the resolution which stands as a motto on the title-page, and supported it by a long array of authorities. After attentive consideration, and a long and interesting discussion, it was unanimously affirmed. At following Wardmotes I brought forward three other resolutions, carrying forward the principles affirmed in that resolution, by regular steps, into practical application. After full discussion each of these was also affirmed. The Ward of Farringdon Without is the largest in the City of London, and contains one quarter of the whole population of the city. This emphatic affirmance, by that Ward, of these Principles must command, therefore, attention and respect.

In conformity with the principles thus asserted and affirmed it had, from the first, been my anxious wish to see the prac-

tical results worked out without any present appeal to parliament. The impatience which a long-rankling sense of wrong done had naturally engendered, had, however, made most men eager for an immediate appeal to Parliament, without even trying, once more, the Court of Common Council. I succeeded, however, in inducing the Wardmote to adopt, unanimously, a Memorial to that Court, which I had carefully prepared, and which, simply embodying the Principles thus explained and affirmed, set forth, in respectful but firm language, the grievance and the remedy. The Common Council was thus put in possession of the results of our very mature deliberations, and could not, if the Memorial were rejected, profess surprise, or complain of want of courtesy, at any step which might be taken. The Memorial was rejected;—more through want of knowledge of the subject than any intended selfish wrong-doing. The Common Council of the City of London is as capable of forming sound conclusions, and has in its body as thoroughly practical and honest men, as any body in the kingdom. But this matter needs a different mode of consideration from common matters of business.

It has now become but the choice, however unwillingly, of the lesser of two evils, to lay before Parliament itself a Bill which shall embody the principles thus maturely considered and affirmed, in regular and constitutional form, by so large and intelligent a body of those immediately interested in the question. I have, accordingly, prepared a draft Bill, shortly embodying the identical principles which I had previously put forth and explained, and which had, after long and calm discussion, been formally affirmed at the Wardmotes of Farringdon Without. The contents of this Bill are identical also with those of the Memorial already mentioned,—the form and language only being changed to meet the occasion *.

But this Bill cannot be expected to be affirmed by the legislature, nor ought it to be so, unless the Principles which it embodies are understood. It contains only the *results* of a long chain of inquiry and connected reasoning. What was brought before the attention of the Wardmotes remains unheard and little known beyond those Wardmotes. That the

* See copy of the Bill, p. 42.

Bill may be understood, and not, in its progress, rendered abortive, or actually mischievous, either by empirical additions, or by alterations made in ignorance of the Principles which it embodies, it seems my duty, now, to render easily accessible so much of that inquiry and reasoning as, it may be hoped, may make the true Constitution of the Corporation of London better understood than it now is. Whether the Bill be affirmed or not, this matter will be equally important to all interested in the Corporation.

Many of the authorities to be now cited tempt strongly to digression. Important and interesting as are the points thus raised, and which may be more fully developed at another time, I wish to avoid them here, and to fix attention strictly on the questions before us. Neither shall I dwell at all, now, on the importance of the principles of Local Self-Government, which I have elsewhere discussed and maintained at length.

It will render the subject clearer if I state shortly, at the outset, the points upon which the authorities to be cited bear.

Those points may be thus stated :—

1. The only Constitutional test of citizenship [i. e. *co-extensive rights and obligations*] within the City of London, is a *bonâ fide* interest in the well-being of the city, following from occupancy therein.
2. The presumption of law is, and has always been, that all occupiers are Free Men, and, therefore, full citizens.
3. Even a proved serf-born, if he resided for a year and a day within any city, became, by the general law of England, thereby a Free Man; and therefore entitled to all the rights and privileges, and liable to all the obligations, of a *Free Man born.*
4. This noble privilege was always largely availed of within the City of London: hence there were always many *freed-men* among her Free Men and citizens.
5. Any exclusive class of "freemen" within the City of London was unheard of till a comparatively late period; and the existence of such a class, as composing the Corporation, is unrecognized by, and in direct violation of, every charter, record, and statute.
6. Wards and Wardmotes are the constitutional and most effective mode of keeping the roll of citizens perfect, and

of keeping the citizens themselves in continual a tive discharge of their rights and duties as free men.

The authorities which I shall cite will be from the following sources:—Laws and records of Anglo-Saxon times; Records of the Corporation of London; Charters of the Corporation of London; Official enactments (bye-laws) of the Corporation of London in its corporate capacity; Private Deeds; Statutes and Rolls of Parliament; other national records enrolled; and some miscellaneous evidences, but of authoritative character. I do not pretend to cite, here, nearly all the authorities of which I have notes. My object is brevity: and I therefore bring up so much only as seems properly sufficient.

Although the *name* of a "Corporation" did not exist till later times, the Constitution of the Corporation of London cannot be understood without tracing it back to Anglo-Saxon times. The *thing* existed then in full vigour; and it is with things and not with names that we have to do.

A record, of which the original is still extant, of the time of William I., is commonly referred to as the earliest record of the Corporation of London. This is a mistake. Many earlier and highly important documents exist.

That the inhabitants of London had, in Anglo-Saxon times, a corporate capacity, with power, actually exercised, of levying money and disbursing it, and other important practical functions, might be proved from several sources. It will be enough to quote the following passages from a still existing body of regulations formally adopted, nine centuries and a quarter ago, in the reign of King Æthelstan. To save the space of comment, such expressions as seem deserving of particular attention will, here and hereafter, be put in italics. In all the following translations I purposely seek rather exactness of sense than elegance of phraseology.

"That we have ordained:—that *each of us be in scot* [i. e. pay] *fourpence* to our *common need* within twelve months; .....and that each man be in scot his shilling who has thirty shillings worth of goods, except the poor widow who has no helper nor any land.

"That we tell always ten men together; and the eldest [elder-man, chief] look to the nine as to all those proceedings which *we have all ordained*: and afterwards [tell] their hundreds together, and one hundred-man [as chief], who shall remind the ten as to the common need of us all.

*And these eleven shall hold the money of the hundred*; and judge what they shall spend when any one shall be to pay, and what they, again, shall take if money arise to us at our common claim. And let them know, too, that each due be forthcoming of those *which we have all ordained* to the common need of us all, by [qy. under penalty of] thirty pennies or by one ox: so that all be done that we in our ordinances have ordained and that stands in our agreement."

"*That we gather together to us always once every month*, if we can and have free time, the hundred men and those who look to the tythings,..... *and know what of our ordinance has been done.*"—*Ancient Laws and Institutes of England*, vol. i. pp. 231, 232, 236.

Lord Coke correctly says that, "in London, the parishes are as towns [*i. e.* vills or tythings], and the *Wards are as hundreds**." We have, in the above extracts, a remarkable picture of the ancient ward management; the full and continual responsibility of the elected to their constituents; and the reverse of any exclusiveness, except respite to the "poor widow." At this day each *precinct* selects its common councilmen. Those of all the precincts together form the managing body of the Ward. The Alderman is head of the whole ward. But the wholesome rule of giving a monthly account to the men of the ward has been forgotten.

Upon referring to the Saxon Chronicle and the other most ancient Saxon records, we find mention made, in a like spirit, of the body politic of London. The whole body of citizens was included, without any restriction, exclusion, or other condition than that of personal occupancy. A detailed comparison of many passages would be necessary fully to establish this: but a few quotations will so far illustrate the point as to show that it is not rashly put forth. London is called *Lunden* or *Lunden-burh* (or *byrig*), and the whole body of the men of the city, *Lunden-waru* (or *ware*) or *Lunden-burhwaru*. Thus we are told that the Danes "oft against the *burh London* fought, but praise be to God that she yet stands sound, and they there ever ill fared †." That the whole body of the men of the City were included under the term *burh-waru* will be clear to any one who compares the use of the word *waru* in other cases, and consults the same records as to its use in this reference. Thus we have:—"Then became *Lunden-ware*

* 4th Institute, 249.

† Saxon Chronicle, A.D. 1009, and see *ib.* years 872, 894 (three times), 896 (twice), 910, 912, 982, 992, 994, 1012, 1052, and other instances.

heathens, where Mellitus erewhile was*." "And, after that, the *burh-waru* of London bowed [to Swegen] and gave pledges†." "And they had the help of the *burh-ware* of London;"....." All the witan who were in London, and the *burh-waru*, chose Eadmund king;"....." And *Lunden-waru* treated with the army, and bought themselves peace‡;" "That which the *burh-waru* of London yielded (paid) was eleven thousand pounds§." &c. &c. That there is no mistake in this being the meaning of the word *waru* or *burh-waru* is clear from examining any of the ancient writers in Latin, as to the same events; such as Florence of Worcester, Henry of Huntingdon, William of Malmesbury, &c. Thus, among many other instances, Florence of Worcester says:—"The citizens of London (cives Lundonienses) sent hostages to them, and made peace with them‖." "But the citizens of London (cives Lundonienses) and that part of the nobles which was then in London, raised Eadmund, with a unanimous assent, to be king**." And William of Malmesbury says:—"London was besieged, but well defended by the citizens (a civibus)††;" "The townsmen (oppidani) called on Edmund to be king‡‡." "The Danes and the citizens of London (Londoniæ cives) elected him [Cnut] §§." These illustrations might be indefinitely multiplied.

We can now understand the true meaning of the words used in the celebrated and highly interesting document of William I., which is usually reckoned as the first of the long series of City Charters. The nature and objects of that Charter I have explained in my work on 'Government by Commissions‖‖.' It is sufficient now to say, that the body whom it emphatically declares to be "law-worth men,"—that is, in the highest and most expressive sense, *Free* Men,—are "ealle þa burhwaru binnan Londone,"—"*all the citizens within London.*" In the same work I have quoted other Saxon Charters of the time of William's predecessor Eadward, addressed, in like manner, to the body—*and expressly as a*

* Sax. Chron. year 616.
† *Ibid.* year 1013.
‡ *Ibid.* year 1016.
§ *Ibid.* year 1018.
‖ A.D. 1013.
** A.D. 1016.
†† Lib. ii. § 165.
‡‡ *Ibid.* § 180.
§§ Ibid. § 188, and see Hen. Huntingdon in many parallel places.
‖‖ Page 325, &c.

*lawful and recognized Associated Community and body corporate*—of the "portreeve and *all the burh-ware* of London (alle ðe burhware on Londone)." The Constitution of the body-politic (the Corporation) of London in those times admits, then, of no doubt.

In the Archives of the Corporation are many records of great interest and value. It were to be wished that these should be published by the Corporation of London. It would be a worthy and very valuable work, and one which may be presumed congenial to the taste of so learned and able a Town Clerk as he in whose care they now fortunately are. From these records many illustrations might be drawn. A part of one only of them has been made in any way available, and that only through the members of a private Society. From this, the *Liber de antiquis Legibus*, I shall now cite some passages, which will show how entirely the rights and obligations of members of the body politic of the Corporation were uniformly recognized, two centuries after William's time, as belonging to *all the burh-waru*, to all the citizens; and that the idea of any exclusive body of "freemen" was unheard of.

It seems that in 1200 twenty-five men were first elected and sworn, to help the Mayor of the City in the discharge of his functions. The sheriffs are of much older date. The aldermen, like the old hundredmen, were thus elective from the beginning.

In 1229 it was ordained "by the assent of the whole citizens" (per assensum *universorum civium*) that no sheriff should remain in office more than a year; and we find a mayor, A.D. 1244*, charged with perjury for attempting to admit a sheriff two years together, while, A.D. 1270†, the citizens asserted, and exercised, their right to turn out any sheriff who misbehaved himself, and to choose another. The expression "per assensum *universorum civium*" occurs so often that it would be impossible to quote the instances. Every page shows such assent to be the only lawful ground of any authority exercised, or ordinance made, within the city; while there are more than enough illustrations to put it be-

* Fol. 10. † Fol. 137.

yond doubt that the "*universitas* civium" was no empty phrase.

In 1248 (32 Hen. III.), the mayor and certain citizens being at Westminster, on another matter, King Henry the Third took the opportunity of asking the said mayor and his companions to make certain grants to the Abbot of Westminster. The answer given is a worthy example to all mayors and civic functionaries. It was, that "they could do nothing in the matter without the assent of the whole Commonalty" (sine assensu totius commune*). The same folio gives an illustration of the election of an alderman,—not by any exclusive body of "freemen" or others, but by all the men of the ward (homines illius warde elegerunt).

King Henry was still anxious to gain his object. He again had recourse to that mode of proceeding well and emphatically termed in our day "hole and corner."

"The king very often begged the citizens to grant to the Abbot of Westminster the forenamed liberties..... On an appointed day the mayor and an innumerable people of the city with him (innumerabilis populus civitatis) came to the New Temple, where was the Abbot and others [named] sent by the king. But, *when the latter wished to have a talk aside* (habere colloquium) *with the mayor and aldermen,* the whole people forbade it, *not allowing them, without the whole commonalty, to have anything to do with the matter*; and they all cried out with one voice that they would, in no article, depart from their accustomed liberties."—*Fol.* 16.

The authority of the king was, then, so limited that he could not even go to Normandy, his own inheritance, without first asking leave of the people. Of this several instances are found in this valuable record. In the thirty-sixth year of his reign we read that "the universal commonalty of London having assembled in the churchyard at Westminster, the king took leave (cepit licentiam) to go to Gascony†." In the forty-third year of his reign "the king came to Paul's Cross, the innumerable people of the city being gathered together in *Folkmote*, and there took leave from the people (a populo) to go oversea‡." And again, in the forty-fifth year of his reign, "the king, on the Sunday after the feast of Peter and Paul, took leave, at Paul's Cross, to go oversea into France from the citizens of London"§.

* Fol. 15. † Fol. 19. ‡ Fol. 42. § Fol. 50.

We find the terms "*omnes de civitate*," "*universalis communa*," and "*cives Londoniarum*," used in the same folio (19) and applied to the same persons. On the same page we meet with the confirmation of all rights and liberties, encluding the important clause of *licet*, which will presently be explained.

A "folkmote" having been named, it is proper to explain that word. It means "the coming together of all the people and classes" (populorum et gentium omnium*).

In the forty-first year of Henry the Third, A.D. 1257, events took place which, involving several important questions, and spreading over much time, illustrate very forcibly the constitution of the Corporation of London. I shall abstract, as briefly as will convey an accurate idea, the account given†.

"Before the feast of the purification of the blessed Mary there had been found in the king's wardrobe at Windsor a roll, sealed with a green seal; but who put it there was unknown. In this were many charges against the mayor;—to the effect that the city had been burthened beyond measure by him and his councillors [the aldermen], both in the matter of taxation and by other wrongs done by them. The king, wishing to know the truth, caused a *Folkmote* to be summoned for the following Sunday‡. On that day he caused the said roll to be read *before all the people* by his justiciary and others, who declared that the king was unwilling that his city should be burthened, but wished to be certified what rich men had been passed over in the taxation, and what poor men borne hard upon [see hereafter, extracts from Hundred Rolls, pp. 27 and 28]; and whether the mayor and his councillors had appropriated any of the taxes to their own private use. And all the aldermen were bidden to summon, early on the morrow morning, their *Wardmotes*. And thereat *the men of each ward, in the absence of the alderman*, chose, from among themselves, thirty-six men who had been so taxed. And, on the morrow, John Maunsel, on behalf of the king, bade them be sworn and certify touching the said charges. *But they said that*, by the laws of the city, they ought not to be sworn in any inquisition (at the king's command) unless touching life and limb, or suit for land. And so a long altercation took place between them and the king's justices, and nothing was done that day.

"And on the morrow, being the Wednesday before the purification of the blessed Mary, John Maunsel coming to the Guildhall, the citizens again refused to take the oath in the aforesaid inquisition. Afterwards,

---

* Ancient Laws and Institutes of England, vol. i. p. 613.

† Fols. 30 and following.

‡ As to Folkmotes on Sunday, see Saxon Laws quoted in "Government by Commissions," p. 51, note.

on the vigil of the Purification, the mayor and innumerable people having assembled in Guildhall, Michael Tovy and Adam Basing come from the king, saying that the king wished to keep all their liberties untouched, *but, for the reform of the city* [pro emendatione civitatis], he wished it to be inquired upon oath by whom the commonalty was so burthened with taxes and other wrongs, &c. John Maunsel and others, sent by the king, reiterated the same. And so, *through such words and sweet promises, the people gave their assent,* crying out *ya, ya,* [so in orig.] to this imposition of oaths, —contrary to their liberties, which indeed they, poor wretches, had not fully understood."

I must pass over these passages, full of suggestive matter, with the short remark that all parties, both king, and mayor and aldermen, here unequivocally admit that the entire decision rested in the hands of the whole Commonalty, and in their hands only. This record, it must be remembered, was kept, in all probability, by the town-clerk of the time. His prejudices were evidently strongly with the functionaries, and against the Commonalty. This is shown in many places. While this explains his sneers, and his bemoanings at the conduct of the Commonalty, it makes his testimony the more valuable in respect of the rights which he does not even hint at doubting to be actually vested wholly in them; and vested in them as the whole body of the citizens, the entire burhwaru, and not in any exclusive section of them.

"The same day all the tax-rolls were delivered to John Maunsel, who put his seal upon them and re-delivered them to the Chamberlain of the City. Afterwards, on the morrow of the Purification, and so from day to day, there came before the said John and others, in the chamber at Guildhall, the thirty-six men out of each ward; so that these thirty-six men answered at once together, but by *themselves, without the other men of the ward* [see after, p. 33] and were sworn touching the aforesaid articles and many others. This went on for much time; and until the inquisition had been made for twelve wards; but so secretly, that nothing was told to any one, either of the questions or the answers."

It will be seen that all this proceeding was illegal; and that the chosen men of not half the wards could, after all, be induced to make inquest. The rest of the proceedings on the part of the crown were of the same illegal character, though with the same fair pretences.

"At length the king summoned the mayor, sheriffs, and all the aldermen, and, of the twelve aforesaid wards, the thirty-six men from each by whom the inquisition was made. And the aldermen, and four men from

each of those wards, were called and came into the Exchequer; and the mayor and others were then charged, in the king's name, with the wrongs and injuries done by them in the city. And they were charged with altering the mode of making the tax, *because the roll of the last taxation had not been read in Guildhall before all the people*, summoned for that purpose, as was the custom; but that, as soon as the tax-roll was made, tax collectors were appointed, the said roll not being sealed: and so the mayor and they had altered the roll at their pleasure, to the gain of some and loss of others. And *it was admitted* that, formerly, the tax-roll was *accustomed to be read in Guildhall before all the people* [see after, Hundred Rolls, p. 28], but that this had been omitted now for ten years and more.

"After many passages between the justices and the others, the latter pleaded not guilty to the charges; and that they had not changed the manner of taxing; and that no one had been either unduly burthened or eased by them in that taxation; and that the last assessment had been made *by men chosen and sworn for the purpose by the whole commonalty*. After further pleas set up, they were asked if they would put themselves (for judgment) upon the other wards of the city which had, yet, maed inquisitions. And they said that they would defend themselves according to the laws and customs of the City of London. Much further delay and dispute took place. The custom of the city was declared, by the aldermen, to be that the citizens of London, in cases between them and the crown, were entitled to clear themselves by twelve sworn men of the city. But the king, dissatisfied, bade the sheriffs to summon on the morrow a *folk-mote* at Paul's Cross; whereto he sent John Maunsel and others *to ask of the commonalty if such was the custom*. The aldermen perceived, by the temper of the people, that the day would go against them, and yielded. But John Maunsel and the others went to Paul's Cross; where one of them, making a smooth and flattering speech, promising to the people that all their rights and liberties should be respected, asked 'whether, if their servants [meaning the mayor and aldermen] had done wrong by them, and brought many evils on them and on the city, the former might, according to the custom of the city, clear themselves against the king by twelve sworn men, and against their fellow-citizens by six, and so evade the consequences of their ill deeds.' To this answer was given,—no discourse being first held, as is usual, among the discreeter men of the city,—but by certain of the people, the sons of different mothers, some born out of the city, and some of servile condition, crying out *nay, nay, nay*; contrary to the privilege and liberties of the city."

The fact stands clearly out, from the beginning to the end of this remarkable narrative, that it was the whole body of the Commonalty which alone had the right and power, admitted by all parties, to determine the law and custom of the city, and to control its affairs; and that *all the Commonalty* of the city were possessed of this right and power.

Passing over very many illustrations which might be given

of the same point, a remarkable contest for the right of choosing the mayor attracts special notice. The aldermen had chosen Philip Tayllur; but the people declared they would have no one but Walter Harvey*. The dispute ran high. The aldermen asked the king's support, representing to him that the people would break the peace,—forgetting that they themselves would, in such case, be the only cause of it. But the people had followed the aldermen "by hundreds, by thousands, and by numbers beyond count†," and cried out continually, "We are the commonalty of the city; to us belongs the choice of mayor of the city." The aldermen replied by a singular argument. "The choice of mayor belongs to us," said they, "because we are, so to speak, the heads, and the people, so to speak, the members; and because we, the aldermen, give the judgments in the courts of the city," [*i. e.* merely as presiding officers; the body or jury of the people always being the adjudgers]. "And of the people there are several," the aldermen are further said to have declared, "who have no lands, rents, or dwelling in the city, sons of different mothers, and even of servile condition, all of whom have little or no interest in the welfare of the city." The king's council, well aware that the right really lay, beyond question, with the people, did not venture to give aid to the aldermen. They urged a compromise, promising, at the same time, that, the moment the citizens should unanimously agree as to mayor, the king would willingly acknowledge him‡. Meantime, the dispute unsettled, the king dies. The Earl of Gloucester and others come to the city to proclaim Edward the First. They come to Guildhall, where the aldermen, Walter Harvey, and an innumerable people are assembled. The earl, seeing the number that adhere to Walter, wishes him acknowledged. The aldermen again evade this. The earl then begs that a *folkmote* shall be held on the morrow, in the churchyard at Paul's Cross; and says that, on whomsoever the choice of the greater part of the city falls, he shall be mayor. On the morrow the whole of the city (*universitas civitatis*) comes to the churchyard. The earl and others tell the aldermen they had better yield.

* Fol. 132. † Fol. 132. ‡ Fol. 133.

The latter, seeing these magnates wish it, and that they cannot do otherwise if they would, assent. And Walter Harvey is declared elected, at Paul's Cross, before all the people.

It may be proper to add, that this Walter Harvey was a mere demagogue; eager, as demagogues always are, to serve his own ends under cover of his great regard for his fellow-citizens. Three years had not passed before his misdeeds were discovered. In the full assembly of his fellow-citizens heinous charges were proved against him: his alderman's gown was stripped off, and himself dismissed to *otium* sine *dignitate*.

From these examples it will be seen that, however much some might complain that there were those among the folkmote who had no right to a voice, it was never pretended that the judgment of the folkmote could be impugned, or that the voice was properly limited to a class. The presumption was, that every man (in a time when serfdom yet existed) was free, and so a full citizen, unless the contrary was proved. It has always been a noble principle of the law of England to presume every man innocent till proved guilty; and, by the same rule, every man was and is to be presumed free till proved unfree. The law of England always favoured liberty*. More depends on this than can now be dwelt on, however important at a time when the assumption has become almost universal that every man is equivalent to a serf unless he can prove some empirical qualification, set up arbitrarily to limit the law-worthiness of free men. But it remains to show that even a *serf-born*, proved such, having resided for a year and a day within a city, becomes, by the general law of England, *ipso facto*, a free man.

Among the Laws of William I., still extant, is the following, recognizing the law in his day:—

> "Also, if serfs shall have remained without complaint for a year and a day in our cities, or in walled towns, or in our castles, from that day let them be fulfilled as free (liberi *efficiantur*); and free from the yoke of their bondage let them be for ever."—*Ancient Laws and Inst.* i. p. 494.

That this well-known and recognized rule of the English Common Law, ever favourable to liberty, was always largely

* Coke, 1 Inst. 124, *b*.

availed of within the city of London, is evident from the very complaints made, as already quoted, in the *Liber de antiquis Legibus*, that there were among the numbers at the folkmote men servile-born. If, though servile born, they had completed the term, they had a right to be there. The same fact becomes evident also from some remarkable entries which occur in the Rolls of Parliament, in which the masters of these serfs complain that so many of them go to London, and there implead as free men, that they themselves will be ruined. If the lord of a serf answered his serf in a court of law, it was reckoned, by that noble Common Law which always favours liberty, as an admission of the freedom of the other party*. The following case will illustrate these facts:—

"Also show certain Seigneurs and Commons of the land, that whereas many villains of the land go often to London, and there bring writs of debt and other contracts against their Lords in the city of London, as being free, with evil intent; which city has no cognizance of villainage, &c.; therefore pray these Lords and Commons of the land that it be ordained in this case that villainage shall be tried in the shire where the villainage is alleged, and where they have cognizance of it as the law has been heretofore. Else these Lords and Commons will be disherited by such false devices and contrivances."—*Rot. Par.* 47 *Ed. III. No.* 27.

To which the answer given in Parliament, to its honour, was:—

"For the divers perils and mischiefs which would happen in this case, the king and his seigneurs do not wish at this time to change the Common Law as used heretofore."

Similar petitions are found in 9 Rich. II. (No. 27) and elsewhere. But, though a more favourable answer was sometimes got in Parliament, the Common Law remained, in fact, triumphant. Legal Serfage has, for centuries, become extinct.

The case stands then thus:—formerly the *presumption* was that every man within the city was law-worth and free, and *therefore* entitled to exercise all the rights and liberties, and bound to discharge all the obligations, of a full citizen. Even if proved serf-born, a year and day's residence, at the utmost, made him, *ipso facto*, free and law-worth, and therefore a full citizen. In our day all men are free before the law.

* Coke upon Littleton, 124, *b*.

Admit that easiness of access, and a more roaming population, makes it inexpedient to presume full citizenship from the mere fact of actual presence at a given time. Yet surely the free-born of our day is not, in trustworthiness and capability, below the serf-born of six hundred years ago. Unless, then, we are narrower-minded, more ignorant, and less generous in spirit than our fathers, the year and day which satisfied them that a man born and bred and theretofore treated as a slave was fit for their associate as a free man, will satisfy us that any man who comes and follows his lawful calling among us for that time, free as ourselves as he already is by birth, is fully worthy to be our associate in the management and control of those affairs in which, from the hour he first came among us, he had as great an interest as any of us,—and whom the law has declared, and now declares, to be one of the true successors of those in whom, and their successors, all corporate rights are vested.

As regards the question of *residence*, which some persons, anxious to maintain, by any tortuous quibble, the wholly illegal system of exclusiveness which now rears its head within the city of London, it will be sufficient, out of many authorities which might be quoted, to quote one; which I choose both because of its high authority and because it will show how long ago the idea has been scouted of its being necessary (as such arguers would persuade us) to convert London or other places into prisons in order for their citizens to be accounted free.

"The place where he lies, sleeps, or eats, doth not make a man a parishioner [or citizen] only. . . . . Inasmuch as he had lands [house, or chambers] in another parish, *in his proper possession*, he is, in law, a parishioner of that parish. . . . . Although he *dwells* in another town, yet, forasmuch as, *in judgment of law, he is an inhabitant of this, he may come*, if he will, *to the assemblies* of the parishioners *here*."—5 *Coke's Reports*, 64.

As no trace of exclusiveness, or of any exclusive class, has been found in any of the records thus examined, neither will any trace of it be found, whatever other lawful records we examine. We may usefully glance, next, at the City Charters.

An important observation needs to be made here, at the outset. Many people are apt to talk, sometimes to boast, of a

Royal Charter, as of a thing having some inherent force and validity of its own. No such charter has such force and validity. Dismissing the general subject, it is sufficient now to say that no charter granted to any city or town is otherwise than a mere nullity unless it is either expressly, or by proper implication, *accepted* by the inhabitants. It is not binding because the king has granted it; but because the people have adopted it. The distinction is clear, and all-important. It stands, in point of fact, on the same footing as a by-law; which every local associated community has, at Common Law, full power to make; but which, however excellent, requires not only the proposition by an individual originator, but the adoption by the body politic. The principle of law is the same in both cases,—a principle fundamental to the maintenance of free institutions,—"What concerns all must be approved by all*."

It follows, and is the recognized and unquestionable law, that neither royal charter nor by-law is valid if it violate any *general* law of the whole land. General principles must be observed throughout every national union; and no local exceptions can be allowed to exist, unless by common consent of the whole realm. The law above cited, that a year and day's residence makes a man free, is a *general* law. Had any attempt to restrain and narrow this general law within the city of London, by imposing additional conditions, as of paying fines or otherwise, been made by any Royal Charter, it would, although accepted by the citizens of London, be simply illegal, null, and void. So, if any ordinance or by-law of the Corporation of London has ever been made (as unquestionably such have been made), imposing such restraint, all and every such ordinance and by-law are and is simply illegal, null, and void, and may be resisted and set at nought by any man.

It is clear, even *ex vi termini*, that no charter which ex-

* Quod omnes tangit, ab omnibus debet approbari. And see this principle recognized,—among a multitude of cases which might be quoted,—in the King *v.* Hughes, 7 Barnewall and Cresswell's Reports, p. 708; and Rutter *v.* Chapman, 8 Meeson and Welsby's Reports, p. 1. It is upon the same principle that Lord Coke correctly lays it down (8 Reports, p. 125) "Potentior est vulgaris consuetudo quam regalis concessio."

cluded a part of the citizens from the exercise of their rights and discharge of their duties as citizens, could be accepted by them*. It is equally clear that, were such an acceptance possible, it would, on other general grounds, be in violation of that common law which, ever favouring liberty, frowns upon all monopolies, restraints, and restrictions. But no such attempt has ever been made by royal charter. Those charters are, in fact, recognitions of the ancient laws, customs, and liberties of the city; and all of them, without exception, though with an occasional slight variation in phraseology, recognize the same body, and the same body only, as we have seen recognized in the time of Æthelstan, Eadward, and William I.

The charter of William's son Henry addresses itself simply to "the citizens," "all the men of London." When we examine the whole of the long and interesting series of charters, we do not find, in a single one of them, the alleged "freemen" of London even recognized, much less the objects of any grace or favour. It is the whole body of the "*citizens*," the "*commonalty*," who, from the earliest to the latest, are recognized and declared as constituting, as they do at this day constitute, *the Corporation*. It is clearly impossible to quote such a mass of documents as these charters. I shall quote one of them, which well shows the tendency and design of all. It is of the date of 15 Edw. III., and merely recognizes the Common Law power, inherent in every local associated community, to make by-laws for its own governance. But the words used are important to the present question, as they are, also, in strict conformity to all the rules of law and right reason.

"If it should happen that any customs, before that time had and used in the said city, should, through any change of circumstances or conditions, become in any part hard and defective; or any things in the city newly arising, in which no remedy had been ordained, should need amendment; the mayor and aldermen, *with the assent of the commonalty*, might ordain thereunto a fit remedy, as often as it should seem expedient to them, for the *common advantage* (pro commune utilitate) *of the citizens of the said city*, and of all other liege subjects resorting to the city, *so that* such ordinance should be profitable to the king and to his people, and also consonant to reason and good faith."

---

* See 5 Coke's Reports, 64.

It is the citizens in general, and not an exclusive part of them, whether called "freemen" or anything else, whose interests are to be considered. Are those interests considered by imposing artificial and arbitrary restraints upon the exercise of the rights and discharge of the obligations of citizens?

Under the Charters, then, of the city the so-called "freemen" have not even the shadow of a *locus standi*. As regards THE CORPORATION, th y exist not.

We may next usefully refer to some of the ordinances of the body corporate of the city of London. Contradictory and illegal many of these are; but there have evidently, from time to time, been men who have seen through the narrow mist of exclusiveness and selfish interest which has wrapped round the horizon of others, and who have succeeded in procuring wholesome and lawful ordinances to be placed on the corporate records. Thus we find it frequently declared to be the express duty of the Alderman of each ward to make and keep a roll of the citizens within his ward, and to take measures to keep that roll perfect. It will be seen that those measures expressly included fresh comers (whether free or serf). Much comment might be made upon some of these ordinances, but space forbids.

In the 5 Edw. II. (A.D. 1311) we find the following:—

"Anciently it was provided, *for the profit of the city* and realm, and to preserve the peace of the king, that *every Alderman should hold four* PRINCIPAL *wardmotes in the year*, to which should come ALL those who resided [not, necessarily, *householders*,—simply *occupiers*] in the ward, of the age of fifteen years and upwards, and there be put in frankpledge, &c."

Again, 1 & 2 Phil. and Mary (A.D. 1554):—

"That *all and every person or persons*, whatsoever he or they be or shall be, that now doth *occupy, inhabit, dwell*, OR keep in his or their hands any house or houses, within the city, &c., or that hereafter shall *occupy*, &c., shall from time to time [bear any of the usual ward offices] whensoever they, or any of them, shall be thereupon lawfully elected, required, or chosen, at and for their turn and turns, for and during the time that they or any of them shall be such occupier, inhabiter, keeper, or dweller, &c. *in such like manner* and form as the citizens being free of this city do, shall, or ought to do, and *not otherwise*."

Though the imposition of fines for taking up the so-called "freedom" had been then illegally practised, it was thus

clearly recognized that all occupiers really stood on the same footing. And these inconsistencies, the living evidences of the truth of the principles I have endeavoured to establish, exist to this day. Every occupier has a right to attend every Wardmote, and is bound and compellable to serve ward offices. He is a recognized member of the body corporate, though unlawfully kept out of the enjoyment of several of the important rights and functions thereunto belonging.

These quotations will be sufficient for the present purpose. Further light will be thrown upon them by quotations to be presently made from the oath taken by the Common Councilmen and from the Mayor's annual precept to the Aldermen.

The term "freeman," as an exclusive one, grew into use, beyond doubt, in reference to particular trading Companies which existed within the city, but which are altogether independent, as companies, of the Corporation, although all the members were and are, as individuals, members of the body corporate. Hence the continual question whether a man was "free" of this or that Company. This simple explanation clears many difficulties and inconsistencies that would otherwise appear; and it is supported by many relics of forms which are still met with. We do not find a man ever described as a "freeman and mercer," "freeman and carpenter," &c.; but always, "citizen and mercer," *i. e.* a *citizen*, or member of the body politic, of the *Corporation of London*, and *free* of the particular *Company*; in reference to which latter the term "freeman" may be therefore rightly enough used. Besides such existing relics illustrating this point, I have referred to a long series of private deeds in my own possession, running back to a remote period, and find that, invariably, individuals among my own ancestors who have been members of the Corporation of London are described, unquestionably according to the then usual form, as "citizen and goldsmith," "citizen and mercer," &c. The term "freeman" is not to be found.

I may remark here, that the pretended distinction between wholesale and retail dealers, as regards "freedom," is one quite untenable according to the reasonable construction of the records; while, on the other hand, were it tenable, it is just as much in the power of the Corporation to impose, at this day, the fine on wholesale dealers, as it ever was to impose

it on retail dealers; and the Corporation would have long since done so had it been really in earnest in this matter, and were it not conscious that the whole thing is unlawful, and an imposition which poor men may perhaps be frightened into paying, but which rich men may and will resist.

Let us now see if the Statute Book and Rolls of Parliament throw any further light on this matter.

In a valuable report presented by the "Traders' Freedom Committee" to the Court of Common Council on the 4th of July, 1844, it is stated* that, in the statute of Gavelet†, "the *freemen* of the city of London are mentioned." This is a mistake. The word is so found in the common translation it is true; but a reference to the original corrects the error, and so helps to confirm all other conclusions. The persons referred to are certain bailiffs or officers called *Sokereeves*, who are also referred to in the *Liber de antiquis Legibus*‡ in a manner exactly in accordance with, and illustrative of, the use of the word in the statute of Gavelet. It is further stated, in the same report§, that in the "Statute of the City of London||" the description "*freeman*" occurs. A reference to the original of that statute, however, leads to quite a different conclusion from that thus implied. It is expressly recited, in that statute, that several persons had resorted to the city, either from oversea or from distant parts of England, seeking there a refuge from an enforced *banishment* from their own parts *by reason of misdeeds* done there; and how they lived dissolutely, some of them, however, opening hostelries *as if* they were men good and *law-worth* [leals, *i.e.* legales] of the franchises of the said city. So the charter of William I. runs, that "all the burhwaru shall be *worth all those laws* which they had in King Eadward's day." This "Statute of London" very properly provides, therefore, that no such naturally suspected persons shall keep hostelries within the city unless they be indeed and in truth "free men [*not* "*freemen*"] of the city (that is, by a year and day's residence, or otherwise), received and at ferm before the Warden or Mayor and the Aldermen, *as good men and law-worth* (*com bon home e leal*)." There is

* P. 11. † 10 Edw. II. A.D. 1316. ‡ P. 12.
§ P. 31. || 13 Edw. I. A.D. 1285.

not a word about being admitted and sworn as freemen, nor any implication of it.

But we do find several remarkable entries bearing directly upon this matter. Thus, in the first year of the reign of Richard II.* we find the "citizens of London" "*demanding*" the recognition of many of their rights and liberties. The terms used are only "the citizens" (les citeins); and throughout the phraseology is "demandent." These demands invite to a lengthened comment, which space forbids. A few points only can be marked. They demand the confirmation of all franchises, with, among other things, the *clause of licet*. This clause of licet has been already alluded to, in quoting the *Liber de antiquis Legibus*, as being claimed, as of right, in the 30th Henry III. It was, and is, a very important one; and amounts to this,—that the customs of London shall always be good and available, whether they be used or whether they lie in abeyance; a principle of the highest practical importance, in more than one way, at this very time. Lord Coke does not seem to have been aware of the antiquity of this claim†. They claim, also, the no less important *clause of non obstante*; a clause, also, as important at this day as it was in that. That clause is to the effect that the true ancient constitution, rights, and customs of the Corporation shall be enjoyed and held, "any statutes, ordinances, charters, or judgments to the contrary notwithstanding." In the 7th Rich. II.‡ both these clauses, that of *licet* and of *non obstante*, were expressly reaffirmed and confirmed in Parliament, and they are now the law of the City and of the land.

The most important claim demanded on this occasion is, perhaps, the following:—

"Also, as the very ancient custom of the said city ought and is used to be, *to inquire by the said citizens*, and not by others, as to all *customs, usages*, impositions, *meets and bounds* of the franchise of the same city; and also of purprestures and other things whatsoever which concern the franchise of the said city, or *have regard to the Commonalty* (regardantz a la Cominaltee) of the same city, or to *any office therein*; they demand" &c.

The last statute I shall quote in this place is one of 17 Rich. II. (1393)§, by which the Ward of Farringdon Without

* Rot. Par. 1 R. II. No. 126.
† See 4 Inst. p. 250.
‡ Rot. Par. 7 R. II. No. 37.
§ Rot. Par. 17 R. II. No. 27.

was recognized. It is recited that the Ward of Farringdon has much increased in possessions and inhabitants, and that the governance thereof has become laborious and grievous for one alderman: therefore it is enacted that,—

"The men (les gentz) of the Ward of Farringdon Within may elect one Alderman, sage, sufficient, and able to govern the said Ward of Farringdon Within, and who shall be called the Alderman of the Ward of Farringdon Within: and the men of the Ward of Farringdon Without may elect one Alderman, sage, sufficient, and able to govern the Ward of Farringdon Without, and who shall be named the Alderman of the Ward of Farringdon Without."

There is not a word about "freemen." It is the men in general, the "people" (*les gentz*), of the ward that are to elect. It is clear, therefore, that, whatever may be fancied to be the case elsewhere, the "*freemen*" have nothing to do with either of the Wards of Farringdon Within or Farringdon Without. They are utterly ignored in the Constitution of those two Wards.

If, turning from these Statutes and Rolls, we open certain of the *Hundred Rolls*, we shall find the conclusions already forced upon us greatly strengthened. We shall find not merely the claim, but the actual fact, of the citizens "inquiring by themselves, and not by others," touching all matters that concerned them. We have seen how Lord Coke tells us that, in London, the Wards are as Hundreds. And thus, in these "Hundred Rolls" of the time of Edward I. (1275), we find the returns made by the Wards within the City of London, while the Hundreds made the returns within the Counties. And these returns speak to us as well of the knowledge by the citizens of their rights, as of their disposition not to submit to the infringement of those rights. It is almost startling to find the principle, so often now denied, but which I have shown, by a long chronological series of extracts, to be the fundamental one of the Corporation of London, here stated, in a few bold, plain, unhesitating words, and repeated by ward after ward, with variations of phrase it is true, but with no change of sense. I shall quote a few cases, out of many:—

"They say that many of the richer and more powerful men of the City of London have gotten charters from King Henry, that they shall not be taxed with the poor commonalty of the said city,—while one of them has made more in trading than, perhaps, a hundred of the others;—to the no

slight loss of the King and the Commonalty aforesaid, and their grievance." —(*Memb.* 1.)

"They say that the bailiffs, aldermen, and mayors of the city, by their own authority, and without any royal precept, *and without the assent and consent* [see before, p. 16] *of the Commonalty*, have taxed the middling men heavily, while the rich have gone free," &c.—(*Memb.* 2.)

This was no new complaint. One illustration of a similar attempt at selfish gain, at the expense of their fellow-citizens, on the part of the magnates of the city (not by any means confined to, or always, the aldermen, be it observed), has been already cited from the *Liber de antiquis Legibus*. Another is found in the pages of Matthew Paris, who tells us how, in 1196, Walter Beard rose up to protect the poor against the rich, who were then wrongdoers in exactly the same way. And that generous historian waxes indignant at the citizens of that day who, "pusillanimous and degenerate," forsook this disinterested champion, and allowed the magnates of the city to wreak their vengeance on him, even unto death. "And so Walter Beard," he concludes, "for the assertion of the truth, and for defending the cause of the poor, was put to an ignominious death. Well indeed does such a man deserve to be accounted among martyrs*."

These facts are important. They teach that there has always been a struggle going on, the sequel of which has always found right triumphant over wrong. It was not long after Walter Beard's death that the citizens so boldly asserted and maintained their liberties, as already quoted from *Liber de antiquis Legibus*.

Again, these Hundred Rolls record the Wards as declaring (each quotation being from a different ward):—

"That the freedom of the City (libertas civitatis) of London is *one and common to all* (una et communis sit), and ought to be so, and to be so enjoyed." [Repeated many times.]

"That the freedom of the City of London is one and common; and ought also to be equally enjoyed."—(*Memb.* 4.)

"That, whereas the freedom of the City of London ought to be common; and ALL equally to sustain, and *proportionably to answer*, according to the common right of the city;—against their own oath, and against the freedom of the city aforesaid, [the rich get themselves free and] all the burthen falls on the poor and middling."—(*Memb.* 7.)

---

* Mat. Paris, p. 152, Wats'. Ed.

Not a word here, again, of "*freemen*." The freedom of the city is expressly declared to be "common to all," and all taxation is to be by the *common consent of all*. These quotations might be greatly extended, and would help to illustrate the importance and functions of the Wards.

The *Placita de Quo Warranto* of Edw. II. might be cited in illustration and further proof of the same facts and the same franchises, admitted in the most formal way. We there find the king's writ to run, that, in certain "pleas pending between us and *the Commonalty* of the City of London, as to certain rights *claimed* by the *said Commonalty*, the *answers of the aforesaid Commonalty* be taken thereupon." But further quotations seem now unnecessary.

Having thus shown what the Corporation of London was, through many ages, and as learned from very various, but the highest, authorities, I shall now cite a few authorities which bring us to the exact point at which the illegal usurpation of many of the highest rights and functions of the members of the Corporation was attempted by a small select body; to the ousting, in so far, of the true free men and citizens of the rights and functions which had always before been lawfully and practically theirs, and which are still lawfully theirs.

The first of these which I shall quote is the record of the *Quo Warranto* brought against the Corporation of London in the 34th Charles II. A.D. 1682. In that record the Constitution of the Corporation of London is thus advisedly stated by itself:—

"And the said mayor and commonalty and citizens of the City of London say that the citizens and free men of the said City have always been, and now are, *very numerous, namely* 50,000 *men and more*. And that in the said City there has been held, from time whereof the memory of man runneth not to the contrary, a Common Council of the said City, from time to time, as often as necessary, consisting of the Mayor and Aldermen of the said City for the time being, and of certain citizens, being free men of that City, not exceeding 250, elected annually by the citizens and free men of the said City."

The number of fifty thousand was not, probably, the exact number of the citizens of that day. But it was a near approximation to it. It was not a flourish of pleading. Both the counsel for the Corporation expressly affirm in their speeches the same facts. Thus, Sir George Treby, the Recorder of

London, and the highest authority we can call on the subject:—

"'Tis alleged," said he, "in the pleadings, and confessed by demurrer, that the *Mayor, commonalty, and citizens* of London, *that is, the Corporation*, consist of about 60,000 men, which cannot well be intended otherwise."

Not a word about "freemen." Sir G. Treby, the Recorder of London, did not recognize them 170 years ago as forming any part, as "freemen," of *the Corporation*.

And when the same high authority afterwards alludes to an act done by the Common Council, in what manner does he again speak, in reiteration, of the elements and essential constitution of THE CORPORATION?

"This is not," he says, "the act of the mayor, commonalty, and citizens. 'Tis not the 200th part of *the Corporation*. 'Tis *but* the act of the Common Council; and we have *distinguished ourselves* by pleading, that it does not consist of above 250, when *the City contains above* 50,000. This was done by *a very small part of the citizens of London*, and that *does no way affect the* WHOLE CORPORATION sure."

The "whole Corporation," the "citizens of London," and those whom "the city contains," are here used as equivalent and convertible terms. The Recorder goes on:—

"There is no ground to say that *the Common Council represents the City no* MORE than a counsel does his client, or any attorney his master:—*only as far as* is for the benefit of *the City*, they are chosen and entrusted to make by-laws. If they offend, they are but ministers and officers: *if they make an unreasonable by-law*, 'tis void, and every man that is aggrieved by it may have his remedy."

This passage exactly agrees with the custom as to by-laws already quoted from the charter of 15 Edw. III. (see before, p. 22). The following further passage from the same speech expresses, well and tersely, the true bearings of the whole question, and shows how little the Recorder of London dreamed of any exclusive pretensions in the Constitution of the Corporation of London:—

"The *least* CITIZEN, my Lord, has *as much and as true an interest* in THE CORPORATION of the City of London *as the greatest*; and, therefore, 250, if they had been much the greater number of the citizens, would signify nothing to the rest of the body."

But we learn also, from the same speech, a matter of fact which, though it can hardly add to the force of all that has

been already quoted in these pages, may be well cited, to clench all the rest:

"WE KNOW," says the Recorder of London in 1683, "that,—the practice of the Common Council in London *being to advise for* ALL *the inhabitants*,—they ARE CHOSEN by the *un-freemen* [not free of companies] as well as others."

These quotations invite much comment, and might be much extended. It must suffice to remark that the Recorder of London is the recognized mouth-piece of the *customs* of London,—so declared in Charter 2 Edw. IV. Though the practice has recently grown up of the Recorder hearing counsel as to those customs in his chambers, and taking on himself to judge thereupon, that practice is distinctly illegal. The Commonalty, either in folkmote, or by a jury "in the place and stead*" thereof, is the only real judge, as has been already fully shown; and much mischief is liable to grow up from this abuse. In the above case the Recorder declared, as the law, custom, and practice of his time, that which has been shown to be in complete accordance with all the laws, customs, and practice of the City of London from the oldest times.

It is to be observed, also, that this declaration of the constitution and practice of the Corporation of London was made only six years, before the Statute 2 W. and M. St. I. c. 8, and only forty-two years before that of 11 Geo. I. c. 18, to be presently mentioned.

It is remarkable, also, that, although the Common Councilmen of the City of London are, at this day, unconstitutionally elected by only a small and exclusive part of the citizens, in violation of every law, custom, and principle, the oath taken by every Common Councilman distinctly recognizes the ancient constitution, and ignores that very body by whom they are thus illegally nominated, instead of being freely chosen, according to law, by the whole body of the citizens. That oath runs thus:—

"Good and true counsel ye shall give in all things touching the *common weal of this city*, after your wit and cunning. And for favour of any man ye shall maintain *no* SINGULAR *profit* against the COMMON profit of this city."

---

* See Sir Thomas Smith's Commonwealth, Book II. ch. 26.

If we turn to another document still in constant use, though, for the most part, following the form used from a remote period, we shall find the same principles recognized; and we shall, further, find the keeping of the Roll, as required in the third section of the Bill printed at the end of these pages, to be a part, now, of the law and custom of the City of London, and which the Aldermen now omit in direct violation of the annual precept of the Lord Mayor. Among the proceedings enjoined upon them, in accordance with law and custom, by that annual precept (I copy from the precept of 1848), are the following:—

"Also that you keep a *Roll of the names*, sirnames, dwelling-places, professions and trades of ALL PERSONS dwelling within your Ward, wherein the place is to be specially noted by street, lane, alley, or sign."

"Also that you cause the Beadle within your Ward from time to time to certify unto you the name, sirname, dwelling-place, profession, and trade, of *every person who shall be newly come* to dwell within the Ward, WHEREBY *you may make and keep your Roll perfect*; and that you cause the said Beadle, to that purpose, to make and keep a perfect Roll in like manner."

In addition to the Beadle, whose business it is to notify the in-coming of any fresh occupier, the Constitution of the Corporation of London,—simple and complete in all its parts as it is,—has provided full means for arranging the materials for the Roll which the Alderman is to keep. These are the *Ward Inquest*. This body is now annually sworn—and, as regularly, violates its oath in every Ward—to "inquire, by the oath you have made, of all the suitors that owe suit to this court;"—that is, of all the occupiers within the Ward. These Ward Inquests ought to be sustained in full vigour, instead of being allowed to fall into disuse. It is the express business of the Alderman,—annually enjoined upon him, but, like the oath of the Inquest-men, as regularly now disregarded,—"to put his Inquest in mind that they *seriously consider* the articles of their charge, that they may act therein as their oaths do oblige them;" and it is the duty of the Inquest "to *inquire and present* as often times as shall be thought expedient and needful, which shall be *once every month at the least*." By such means the Alderman is well able to keep the Roll perfect. It must be noted that these Ward Inquests, like other juries, are simply, in origin and constitution, bodies

sworn, in the place and stead of the whole body of the men of the Ward (or county); and that their presentments have, properly, to be *confirmed* in the full Wardmote or Folkmote*. It has been already seen (p. 15) that the presentment of the inquest of thirty-six sworn men of each Ward was not held good, but only as their personal opinion,—it having been *made secretly*, and so not affirmed by the full Wardmote. It has been my care, in this, as in all other points, to embody principles so important in the Bill which I have prepared. With respect both to the Roll and the manner of perfecting it, I have simply followed the constitutional and lawful course.

It is well known that the illegal and arbitrary attempt to over-ride the Corporation of London in the reign of Charles the Second was too well aided by the Courts of Law; and "the liberties, privileges, and franchises" of the City of London were adjudged to be "taken and seized into the hands of the king." One of the first works of the Revolution of 1688 was to annul this unlawful and mischievous judgment. I have already brought down the Constitution of the Corporation of London to this day of its wrongful extinguishment. It now remains to see under what shape it is found when, Phœnix-like, it rises again from its ashes.

By the 2 W. & M. statute 1, c. 8, it is enacted as follows, after reciting the judgment of forfeiture :—

"And forasmuch as the said judgment and the proceedings thereupon is severe, illegal and arbitrary. And for that the restoring of the said *Mayor and Commonalty and citizens* to their *ancient liberties*, of which they had been deprived, tends very much to the peace and good settlement of this kingdom: Be it declared &c. that the said judgment &c. and all other judgments &c. are hereby reversed, and annulled, and made void, &c.

"And be it further declared and enacted, by the authority aforesaid, that the *Mayor and Commonalty and citizens* of the City of London shall and may, for ever hereafter, remain, continue, and be, and prescribe to be, a Body corporate and politic, in *re facto et nomine*, by the *name* of Mayor and Commonalty and Citizens of the City of London, &c. And the said *Mayor and Commonalty and Citizens* of the said City shall and may, *as by law they ought*, peaceably have and enjoy all and every their Rights, Gifts, Charters, Grants, Liberties, Privileges, Franchises, Customs, Usages, Constitutions," &c.

Again not a word of "*freemen*." It is under and by vir-

* "*Portaverunt testimonium homines de Hornecastre Wapentac*, ANNUENTE *toto trething*."—fo. 375, *&c. &c. Domesday Book.*

tue of this statute alone that the Corporation of London is, at this moment, an existing thing. This statute has never been repealed. Under it the "Mayor and *Commonalty and citizens*" are, at this hour, "*the Corporation*;" and they are the only persons who do constitute that Corporation. It will be seen that the language of the statute carefully avoids leaving any doubt. It puts it distinctly *who* shall be the Corporation, and then, but separately, by what *name* they shall be distinguished as a body corporate. And, in doing this, it follows that constitutional and legal course which I have shown to have been maintained and alone recognized from the remotest time, and which the Recorder of London had himself affirmed only a short time before, on the trial of the *Quo Warranto*.

At this hour, then, the Corporation of London actually consists of, and only consists of, the Mayor, *Commonalty and Citizens*: and it consists of the whole body of these, totally irrespective of any arbitrary titles or classes, whether called by the name of "freemen," "liverymen," or anything else. It remains to be seen how the exercise of the rights and liberties of citizenship, and the discharge of its obligations, have been in any cases or in any way interfered with by any later means.

It is not my intention to enter at length into the history of the private Act of 11 Geo. I. c. 18. It is sufficient that only thirty-five years after the statute of W. & M. had so expressly reaffirmed the actual Constitution of the Corporation, a few Aldermen, regardless alike of their oaths, their duty, and their fair fame, sought treacherously to betray the interests they were appointed to protect: and, by means of a corrupt ministry in Parliament, and the cannon's mouth and a strong military array at Guildhall, *and by those means only*, and in defiance of the Common Law of the land and the law of Parliament itself, they succeeded.

It is to be well noticed, however,—what is, strangely enough, generally forgotten,—that even this iniquitous act does not pretend to alter the constituent elements of *the Corporation*. That Corporation still consists, as ever, of the whole body of the citizens without distinction, restriction, or exclusion. It was simply an arbitrary attempt to exclude a large part of the

members of the Corporation from the full share in its management, and so to make it the better means for selfish aggrandisement. And this is accomplished, as usual in arbitrary and empirical measures, in a way at once anomalous, inconsistent, and absurd. By the constitution of London all the Commonalty and Citizens were the choosers of every functionary, the only difference being that those who are officers of the whole corporation, in its character as a unity, were chosen in folk-mote in the Guildhall, while those who are officers of the separate Wards were chosen in Wardmote. This act, while losing sight altogether of the real constitutional franchise in each case alike, declares that, in the election of the former officers, only those shall vote who happen to be "freemen" and "liverymen" of some company; while, in the election of the latter, those only shall vote who happen to be "freemen" and "householders" to a given amount of rent.

Each of these three empirical and arbitrary tests is totally irrelevant to the only constitutional one of *bonâ fide occupancy*, and may or may not coexist with that test; while, with the exception of the being a householder, each one may, also, exist without the fact of occupancy at all!

This truly revolutionary act calls for much observation. I forbear it, however, because I think what has been already said must make its unconstitutional nature, and its violation of the whole character of the laws, customs, and franchises of the City of London, clear to every man of common sense.

It ought, in justice both to the House of Lords and to the citizens of London, to be stated that this unlawful act was not contrived to be smuggled on to the Statute Book without strong protests against it being entered on the Journals of the Lords; a part of which I shall quote: and to the facts named and predictions contained in which I beg special attention.

The following is an extract from a protest against the indecent haste and violation of the commonest equity with which the earlier stages were hurried through:—

"Because it is enacted and declared by the act mentioned in the question [2 W. & M. s. 1, c. 8, as above], that the *mayor, commonalty, and citizens* of London, shall for ever hereafter remain, continue, and be, and

prescribe to be, a body corporate, *in re facto et nomine*, by the name of mayor, and commonalty, and citizens of London, and shall (as by law they ought) peaceably enjoy all and every their rights, gifts, charters, grants, liberties, privileges, franchises, customs, usages, constitutions, prescriptions, immunities, markets, duties, tolls, lands, tenements, estates, and hereditaments whatsoever, which they had (or had a right, title, or interest, in or to) at the time of giving the said judgment; and we are apprehensive, that the alterations made by this Bill in the constitution of the Common Council and other ancient rights, franchises, and prescriptions of the City, may utterly abolish the ancient legal title of the City to their rights, franchises, prescriptions, and constitutions, in the particulars contained in the said bill, and may in consequence thereof work a total change of the whole ancient constitution of the corporation of the said City, or greatly confound or prejudice the same, *which has stood for so many ages upon the foundation of its ancient title, rights, and prescriptions.*"

The following is an extract from a protest against the passing of the Act:—

"Because we are of opinion that the several great alterations, made by this Bill in the ancient constitution of the Common Council and other the rights, franchises, and prescriptions of the City of London, will, if passed into a law, *entirely subvert and destroy* the ancient title which the City at this time lawfully claims and has thereto; and will introduce and enact a new constitution upon the City, hereafter to be claimed and enjoyed, not upon the foundation of their ancient title, but of this Act of Parliament; *which must*, as we conceive, in all future times, *when the City of London may have occasion to assert or defend their ancient title and franchises, bring them under insuperable difficulties*, and may be followed with *dangerous consequences concerning the very being and constitution of the Corporation*, many of which it is impossible to foresee or enumerate. We think this Bill is the more dangerous, because it creates a new constitution in several particulars contained in it, *not framed upon the ancient rights proved, assented to, or disputed on either side*, but is a new model, without due regard to the antecedent rights, as claimed on either side, and *will deprive a great number of citizens of their ancient rights*, and franchises in elections, and otherwise, without leaving them any opportunity of asserting the same by due course of law; and is a precedent of the most dangerous consequence to all the cities and corporations of the kingdom.

"Because we are of opinion that *the petitions of the many thousand freemen of the City against this Bill* ought to be of far greater weight against this Bill than the *petition of fifteen aldermen for it*; and that the confusion which may arise from the Bill, if passed into a law, may tend greatly to the future disturbance of his Majesty's wise and gentle government."

The private Act passed in the last session (12 & 13 Vic. c. 94) did but add to previous anomalies and confusion. Framed in disregard of any principle, it also is, as all such

Acts must be, purely arbitrary and empirical. It is sufficient now to say that, besides other anomalies, it adds to former restraints and restrictions the inherently vicious test of a *rate-paying* clause. The viciousness and want of any principle in such a test, wherever used, I pointed out and dwelt on at the Wardmotes; and, though the argument was considered novel, and received doubtingly, when I first urged it, it has been since admitted by many. I will now only say, shortly, that the paying of any rates, or other scot, is *one of the obligations* which attach to citizenship. It must, therefore, *follow* and not lead; *rate-books* and *rate-paying* must clearly, under any sound system, be a *result*, and not the *foundation*, of the Roll or Register. In the time of Æthelstan the wise provision was,—not that those who paid should join in tens and hundreds, but,—that all should be enrolled, and, *being so enrolled*, it was the business of the functionaries to see that they discharged this among other obligations.

It may be remarked here, that the power unquestionably lies, and has always lain, in the Corporation to levy rates and taxes. But this does not in the least degree justify the imposition of fines on taking up freedom, as it is called. It is one thing, and a lawful and reasonable thing, for the freely chosen and accountable representatives of all to levy taxes upon their constituents; another, and a very different, and an unlawful and unreasonable thing, to say,—you shall pay a tax first, as the condition precedent to being a constituent.

But it must not be omitted to be stated that, in truth, while the Act 11 Geo. I. c. 18, and the Act of 12 & 13 Vic. c. 94, seem to recognize (which the former Act did for the first time in the history of the Corporation) the existence of the "*freemen*" as connected with the Corporation, they do but recognize them to ignore them. It is fondly pretended, sometimes, that the constituents of the Common Council are the "freemen." It has been shown that their constituents are in reality, and always have been, *all the citizens*; who, though many of them are now hindered in the discharge of some of their highest rights and duties, are still the true constituents; and whose interests, and not those of the "freemen," the Common Council is sworn to regard. But in these very Acts it is not the being a "*freeman*" that gives a vote. The larger

part of the "freemen" are in fact in the same boat with the true citizens. Being a "liveryman," a "householder," a "rate-payer;"—these are the new empirical and arbitrary tests laid down. Again, every occupier not only has, now, a right to attend every Wardmote, but, as I have shown is, now, liable to serve ward offices: and these are constantly served by those who are not "freemen." No Alderman has it in his power to summon a Wardmote of "freemen." Thus it is that, amid all the anomalies and contradictions which selfishness has originated and ignorance kept up, the marks yet remain living before us of the true constitution of the Corporation;—a constitution soon to be renovated in its ancient vigour.

With a few words on the Bill now prepared, and offered for consideration and discussion, I shall conclude. From what has preceded it will be seen that, in no one point, does that Bill ask anything new. In each of the three sections I have sought to express, in the shortest and plainest way, that which is, in fact, the real and wholesome law and custom. The Bill embodies *Principles*, and not any empirical remedy. It is purely *Declaratory*. And it cannot be too often impressed that Declaratory Acts, and not new devices and empirical reforms, are the only true means by which free men can maintain, *or restore*, their constitutional position.

As to the first section, it is to be remarked that in point of fact it repeals nothing. All the ordinances of the Corporation of London imposing fines on admission have been shown to be, in reality, unconstitutional and illegal. The impositions might be resisted by any man. And, should any one be bold enough to set up the long time during which those impositions have been successfully demanded, as a reason why they should still be, by right, demanded, I shall be content to reply, in the words of Mr. Justice Yates, in a celebrated case, that the authority as well as policy which dictated such impositions are "so totally bad, that an usage even from the foundation of Rome itself would not make them good"*.

As to the government stamp, neither is that legally claimable. The words of the Stamp Act do not include the enrollment of the citizens and free men of any city. Nor were they in-

* 1 Blackstone's Reports, p. 562.

tended to apply to them. They apply, and were clearly intended to apply, only to admissions to the trading companies. The payment has probably been winked at by those *through whose hands* (and not *by* whom) it has been made, as the price of some fancied concession; and no private person has been disposed to, or aware that he could, dispute the payment. But when we now hear, as we have lately heard much, of treating with Government upon the subject, it becomes only the more obvious how necessary is a true knowledge of the constitution of the Corporation. Under any circumstances the Corporation has the power to remit the fine and the admission at the Chamberlain's office, and so the stamp-duty drops without asking permission of anybody. It is strange that, if there is any sincerity, such palpable but mischievous blunders should be made.

It is in order to prevent all dispute, discussion, or litigation, therefore, that I have introduced a section declaring all such payments for the future unnecessary and illegal.

The second section is, also, purely declaratory. Its constitutional character has been already so fully shown that no more need be said upon it.

The third section, also declaratory, restores the true keeping of the Roll, and the mode of keeping it. It is thus, and thus only, that the Roll of citizens has ever been kept; and it is the most convenient way of keeping it. The Chamberlain has never, as some imagine, kept a Roll of citizens. As Banker to the City, he receives fines on admission, and enters the names of the payers. But that list in no way represents either the citizens or the actual voters. To make him, now, the Keeper of the Roll would be merely a new device, for the sake of novelty, and attended with every inconvenience. I have already pointed out how the Roll will be made up and kept. Errors and omissions will, under this section, and in conformity with established principle, be proved, before the full Wardmote, on the oath (or affirmation) of the parties and their witnesses,—such oath of course being administered by the presiding officer, the Alderman. It is thus only that the Roll can be kept perfect. The City of London must not be handed over to the tender mercies of "Revising Barristers." I will only add, that I have been assured, by a Ward-clerk of large experience (perhaps the largest) and high character, that

the mode suggested, or rather restored, in this third section will be found fully practical, convenient, and efficient.

The Wardmotes provided to be held will be one of the most important features of this renovation of the Constitution of the Corporation. The mere enjoyment of a, so-called, franchise is of little value, unless opportunity is afforded for a practical education in the way to use it rightly. To be able to choose our representatives we must both know what they have to do, and, in detail, how they do it. As our fathers wisely required, more than nine centuries ago, we must, from time to time, "know what of our ordinance has been done." In town councils it is peculiarly necessary that the representatives should thus meet together frequently, and advise together with their fellow-men. This opportunity will be given by the Wardmotes which affirm the Roll; and I have introduced a few words to prevent any doubt as to whether the ancient and wholesome custom can be then thus exercised.

It will be seen that, while there are many things which are admitted to need attention, this Bill embraces only one main object. This is advisedly done. That one object is the fundamental one. It is the one which I urged at all the Wardmotes, and which was embodied in the Memorial to the Common Council. It is the restoration of the true Principles of the *Constitution* of the Corporation. Other matters, such as that of an equalization of the Wards, and many others, are matters of detail. The former restored, the latter will necessarily follow. But the latter are not matters with which Parliament ought to intermeddle. They are matters within the scope and duty of the Corporation itself, and which only await its renovation for their wise and careful remedy. It is a sacrifice of the very principle of Corporate existence, of free institutions, of Local Self-Government as distinguished from Centralization, to rush to Parliament or Government for a remedy for wrongs, real or imagined, which an earnest purpose of self-exertion may best, and can alone efficiently, deal with, and which that self-exertion must necessarily secure.

The question of the "Liverymen" also remains untouched. This would more properly fall within the present Bill. The elections by liverymen are assuredly without any pretext of

justification. They are, however, comparatively to the Wardmote elections, unimportant, while the mooting of the question, now, might raise a needless hindrance in the way of the affirmance of the Broad Principles of the Constitution of the Corporation, and therefore, most importantly, of the character of its legislative assembly,—the entire choice of which is in the Wardmotes, and so within this Bill.

It is possible that some points here briefly touched on may be misunderstood. My aim is the restoration of the Corporation of London to its true and high dignity and influence, and position to command just respect; all which will follow from this renovation of its constitution.

It will necessarily, and properly, depend altogether upon the Citizens themselves whether such a Bill as here suggested shall become active Law. It may perhaps be hoped that the Common Council will yet forestall, alike honourably to itself and usefully to its fellow-citizens, the action of Parliament in this matter. There is, yet, time and opportunity for it to do this, under the known delays which await all Parliamentary proceedings. My duty is discharged in thus pointing out, in an earnest spirit, the principles and mode which will be most safely followed.

What has been carefully put together may be easily destroyed. This Bill has been prepared with an anxious and careful regard to Principles, and to simplicity and clearness. Some who have less considered the various points of a subject needing much inquiry and great attention for its full understanding may be inclined to propose various alterations or additions. To such I would make but one remark. The great Petition of Right, two centuries ago, was but the affirmance of great Principles. Alterations and additions were attempted, which were called trifling by their proposers, and thought, perhaps, of little moment by others. But they touched the great principles involved; and they were resisted; and hence the great claim of the authors and promoters of that document upon the gratitude of every Englishman.

This Bill, embodying Principles which have been for centuries maintained, and which have lately been most deliberately re-affirmed in successive Wardmotes of the largest Ward in this ancient Corporation, is in the nature of a Petition of Right of the Citizens of London.

# DRAFT OF A BILL

*For abolishing the Payment of Fines and Stamp Duties on the Admission of Freemen of the City of London, and for making and keeping a Roll of the Citizens of the said City.*

*Whereas* by the ancient Common Law of England every man who has been an occupier within any city or borough for the space of a year and a day becomes thereby a free man, entitled to the exercise and enjoyment of all the rights and liberties, and liable to the discharge of all the duties and obligations, of a citizen and free man within such city or borough: *And Whereas,* in restraint of the said good and wholesome Law, certain fines have for some time past been imposed and levied within the City of London before any man is permitted to exercise and enjoy several of the rights of a citizen and free man within the said city; and certain stamp-duties have also been in the habit of being claimed to be paid into Her Majesty's Exchequer at the time of payment of such fines: By reason whereof the number of those having the full exercise and enjoyment of all the rights and liberties, and liable to the discharge of all the duties and obligations, of citizens and free men within the said city, has been greatly lessened, and is now yearly lessening, and the administration of the affairs of the said city is less well and satisfactorily discharged than it otherwise would be. *Be it therefore declared and enacted* by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal and Commons in this present Parliament assembled, and by the authority of the same, that from henceforth no fines, stamp-duties, or other money payments, of any nature or kind soever, shall be leviable or payable or levied or paid upon or by any person or persons whomsoever, in order, or previously, to the exercise and enjoyment by him or them of all or any the rights and liberties, and the liability to the discharge by him or them of all or any the duties and obligations, of a citizen and free man within the said city; and that all Statutes, Acts, Ordinances, By-Laws, Rules and Regulations whatsoever, under or by virtue of which such fines, stamp-duties, or other payments

are, or are claimed to be, so made payable, shall be, and the same are hereby, repealed so far as the same or any of them relate or relates to such fine, stamp-duty, or other payment.

*And Be it declared and enacted* that every man who shall have already occupied, or who hereafter shall occupy, on his own behalf, either separately or jointly, and either by way of residence or for the purpose of carrying on there his own proper lawful business, calling, or profession (and not merely as the servant, or in the pay, of another person), any house, part of a house, chambers, or other premises within the City of London, for the space of a year and a day, is and shall thereby become, a citizen and free man and member of the Body Corporate of the said city, entitled to the exercise and enjoyment of all the rights and liberties, and liable to the discharge of all the duties and obligations, of a citizen and free man of the said city: And every such citizen and free man shall be entitled to vote at every and any election for Alderman, Common Councilmen, and all and any other functionaries and officers whose election is usually made in Wardmote.

*And Be it declared and enacted* that a Roll of the said citizens and free men shall be made and kept by the Alderman of each Ward of the said City; in which Roll shall be entered the name, surname, and place of occupancy of each and every person so from time to time occupying as aforesaid within such Ward: and a printed copy of such Roll shall be affixed outside the outer door of the church or several churches which shall be the parish-church or churches of each Ward for one whole week previously to the holding of each of the quarterly Wardmotes hereafter named: and notice or statement of any error or omission in the said Roll may be given to the Ward Clerk in any ward by any occupier within such ward twenty-four hours at the least before the time of holding of any of the said Wardmotes; and all the errors and omissions alleged in such notices and statements shall, if substantiated on the oath or affirmation of sufficient person or persons before the full Wardmote, be then and there, in full Wardmote aforesaid, amended and made good. And Wardmotes shall, for the above together with such other purposes as shall seem good to the occupiers within each Ward, be held within each Ward, by the Alderman of each Ward, or his deputy, four times at

the least in each year, namely, on the first Monday in the respective months of March, June, September, and December; and the said Roll, so amended and made good, shall be then and there, in full Wardmote aforesaid, signed by the Alderman of such Ward, or, in his absence, by his Deputy for the time being; and every such Roll, so at the last preceding Wardmote amended and made good, and so signed as aforesaid, shall be sufficient evidence of the title of any person named in it to the exercise and enjoyment of all or any of the rights and liberties of a citizen and free man within the said city, and of his liability to the discharge of all and any of the duties and obligations of a citizen and free man within the said city. And the said Roll shall be lodged in the hands of the Ward Clerk of each Ward, who shall give access thereto to any person demanding to see the same at all reasonable times in the daytime, and shall furnish a copy thereof to any person requiring the same upon payment of a sum not exceeding sixpence for every two hundred and fifty names in the said Roll.

PRINTED BY
RICHARD AND JOHN EDWARD TAYLOR,
RED LION COURT, FLEET STREET.

# LETTERS ON DELAYS

IN THE

# ENGLISH COURT OF CHANCERY.

BY

A VOICE FROM LINCOLN'S INN.

---

"We will deny none, *nor delay*, Right nor Justice."—*Magna Charta, Art.* xlix.

"I will well and truly serve *the King and his People*, in the office of Chancellor: and do Right to all People, poor and rich."—*Oath of the Lord High Chancellor of England.*

"The importance of this subject cannot be too highly estimated. It is of a nature so exalted as to remove it far beyond *party* or *political* feeling."—*Speech of Lord Langdale in the House of Lords*, 1836.

---

1. THE BILL AND THE ANSWER.
2. PARTIES TO THE SUIT, DEMURRERS, &c.
3. THE NEW CHANCERY ORDERS, AND "THE MASTER'S OFFICE."

---

"Reprinted from "The Mining Journal," and "The Monmouthshire Merlin."

---

With Introductory Remarks,

AND THE NEW ORDERS AND RULES OF THE HIGH COURT OF CHANCERY, ISSUED APRIL 22, 1850.

LONDON:
CHARLES H. LAW, 131 FLEET STREET.

1850.

LONDON:
C. F. HODGSON, PRINTER, 1 GOUGH SQUARE, FLEET STREET.

# INTRODUCTORY REMARKS.

"Expense and delay are the primary ills of a bad administration of law; by their influence, Justice itself may be done in such a manner, as to make it a cleaving curse to all who invoke it; and of the three means of oppressing the people, provided against by Magna Charta, *the deferring of Justice is the worst.*"

THE opinion long since delivered in Parliament, by one of our highest judicial authorities, (Lord Langdale), that—"The largest part of the whole property which is litigated in "this kingdom, is, in one way or other, subject to adjudication "in the Court of Chancery," has now become a generally admitted fact; consequently, the subject embraced in the following letters, is of vital importance to the people of this realm. In treating of Delays in the Court of Chancery, it must, however, be admitted, that we cannot claim for our subject the merit of *novelty*; because, the grievance of *delay* in the administration of justice in general, and in the Court of Chancery in particular, is, unfortunately, one of very long standing, as fully appears by reference to our most ancient legislative records. In Stat. xiv. Edw. III. cap. 5, (passed A. D. 1340) we find the preamble thereof as follows:—"Be-"cause *divers mischiefs have happened,* for that in divers "places as well as *in the Chancery,* the *Judgments have been* "*delayed,* sometime by difficulty, and sometime by divers "opinions of the Judges, and sometime for some other cause: "It is assented, established, and accorded, that from hence-"forth &c. &c."

It may also be here observed, that the concluding words of the said Statute are worthy of attention, as indicating the oblivion of the chief administrators of Justice, even in those

early times. "And though the Ministers have made an Oath "before this time, yet nevertheless *to remember them of the* "*same Oath:* It is assented, that as well *the Chancellor,* "Treasurer, Keeper of the Privy Seal, &c., and all they that "do meddle in the said places under them, shall make an "Oath well and lawfully to serve *the King and his People!*"

*Stat.* xx. *Edw.* III. *cap.* 1, (A. D. 1346) thus commences:—"Edward by the Grace of God. Because that "by *divers complaints made to us,* We have perceived "*that the law of the land,* which we by our Oath are bound "to maintain, *is the less well kept,* &c. We, greatly moved of "conscience in this matter, and for this cause desiring, as "much for the pleasure of God, and ease and quietness of our "subjects, as to save our conscience, and for to save and "keep our Oath: We have ordained these things following." And in *Stat.* xx. *Edw.* III. *cap.* 2, the introductory words are:—"In the same manner we have *ordained,* and we have "expressly charged them (*i. e.,* the Judges), *in our presence,* "that they shall do right and reason to all our subjects great "and small. And that *they shall deliver our people reason-* "*ably and without delay,* of the business which they have to "do before them, *without undue tarrying.*"*

In addition to the evidence of "Complaints against the delays of Chancery," furnished by the above ancient Statutes, our Parliamentary history shews, that the undue expense to which suitors were subjected in seeking justice in that Court, called forth many strong remonstrances on behalf of the

* Lambard, in his "Commentary upon the High Courts of Justice in England," says, that "The King did at first determine causes in Equity in person, *and about the twentieth Edw.* III., (the period of the above enactment), the King going beyond sea delegated the power to the Chancellor." (*Lambard's Archion,* p. 72.) And the historian Daniell says that: "This great and provident king took especial care for the Goverment of the Kingdom *and reformation of the abuses thereof,* which daily grow as diseases in full bodies, and must of necessity have sometimes their cure, *otherwise there will be no health in a State.*" (*Daniell's Life and Reign of Edw.* III.)

people. In the 21st of Edw. III.'s reign, (John de Offord being Chancellor), "the Commons made an effort to reduce the fees payable upon Writs out of Chancery:"—some years afterwards (when John de Thoresby was Chancellor), the Commons renewed their attempt to reduce the fees; and which remonstrance was thus answered. "It pleases the King, that *the Chancellor shall be as moderate as he can touching fees.*" Again, about the 38th of the same reign, *there being heavy complaints against* the then Chancellor (Simon de Langham), *for increasiug the fines payable to the King;* the Commons preferred another remonstrance against their unreasonableness; and which drew forth the reply, that, "The King wills *that fines be reasonable* to the ease and quiet of his people."* And in the 45th year of this reign, a Petition of the Commons prays, "That no person who shall sue there (in the Chancery) be, for the future, delayed of suitable redress, *as they have been to their great grievance.*"†

In the reign of Rich. II., the extensive abuses of Chancery had likewise become a subject of remonstrance with Parliament, and various attempts were made to restrain or diminish them. In the 13th & 17th of Rich. II., the Commons again remonstrated. "And *the only redress* granted," says Professor Story, "was by *Stat.* 17, *Rich.* II. ch. 6, by which it was enacted that the Chancellor should have *power to award damages to the Defendant, in case the suggestions of the Bill were untrue,* according to his discretion."‡ And in the

* See Lord Campbell's Lives of the Chancellors, vol. i.

† Woodeson's "View of the Laws of England," vol. i. p. 181.

‡ *Story's* "*Commentaries on Equity Jurisprudence,*" vol. i. p. 40. However slightingly this talented American Commentator, and other writers, may have noticed the redress granted by *Stat.* 17. *Ric.* II. c. 6, it must be admitted, that it conferred on the Chancellor a very wholesome authority, and one which we would be glad to see more frequently exercised, than it usually is in the present times. Indeed our opinion has long been that every Bill, as well as every Answer, should be verified on Oath, and then, perhaps, Defendants would not be so frequently and so recklessly dragged into Chancery as heretofore.

3rd Hen. V. the Commons petitioned the King, declaring the writs of subpœna, sued out of Chancery for Common Law matters, to be a great grievance, alleging that they had been unduly introduced in the time of the late King Richard, by John de Waltham, heretofore Bishop of Salisbury, (and Keeper of the Privy Seal), who, "of his craft, made, formed, and commenced such innovations." (1 *Woodeson*, p. 184.)

Notwithstanding that the foregoing Statutes were enacted for the express purpose of preventing *delays in judgments*; redressing the wrongs of the subjects, or "grievances done to them;" and ordained that *the people should be delivered* (by the Judges) *reasonably and without delay*; notwithstanding the repeated remonstrances of the Commons, and the injunctions of the Sovereign himself, nevertheless, it appears that, as regards the Court of Chancery more especially, that incorrigible "thief of time" Procrastination, has continued to assert there his supine supremacy for upwards of *five hundred years*. Mr. Cooper, noticing the defects of Chancery in Henry the Eighth's time, and in subsequent reigns, says that, "During the Chancellorship of Cardinal Wolsey, there were many causes which had been depending in Court *more than twenty years*: and in the reign of Jas. I. so great was the accumulation of suits, that even Lord Bacon was unable to judge the causes pending *until they had been set down for years*." The same able writer adds that, "When the seals were in commission, after Lord Chancellor Bacon's dismissal, a Member of the House of Commons stated in Parliament, that he had a suit, *which had been depending thirty years*." Towards the end of the reign of Charles I. we find Maynard and Selden, and other eminent lawyers, active members of a Committee to reform the Court: and during the Commonwealth, *the clamours raised against the Chancery did not abate*.* Indeed the demonstrations of

* *Cooper's Account of Proceedings in Parliament*, p. 6. "Why," says a writer of that period, "under a pretext of Equity, and a Court of Conscience, are our wrongs doubled and trebled upon us,

Chancery delays to be found recorded are innumerable ; and they fully establish the fact, that complaints against the dilatoriness and expense of that Court, were as rife in the times of a De Strafford, a De Langham, a Wolsey, and a Bacon, as they have since been in the times of a Hardwick, an Eldon, a Lyndhurst, and a Cottenham : and although many efforts have been made in modern times, both in and out of Parliament, to have those evils ameliorated, if not eradicated, yet it appears that neither the evidence furnished by the elaborated Reports of Parliamentary Commissioners, nor the powerful eloquence so frequently displayed in denouncing the gangrenous evils, the existence of which those Reports unfold, has, as yet, proved sufficiently forcible to induce an adequate reform in Chancery.

In 1732, a Commission was appointed for inquiring into abuses in the Court of Chancery ; the result of that inquiry was published in 1740 ; but we find that against even the celebrated Chancellor, Lord Hardwicke, grave complaints were preferred, because " he did not exert himself as he ought to have done, to put an end to abuses and grievances which then existed in his Court ;" for it was not until three years after the publication of the Report that any reformatory steps were taken by him, and then he merely " issued an order for the regulation of *some trivial matters connected with the practice of the Court.*"* And the noble and learned author of the ' Lives of the Chancellors,' impartially says :—" It is mortifying to consider, that although he (Lord Hardwicke) de-

the Court of Chancery being as extortionous, or more so, than any other Court ?" (*The Corruption and Deficiency of the Laws of England soberly considered. By John Warr*, A. D. 1649.) The same writer notices that there was a Suit in Gloucestershire between two families, which had been then lately composed, and *had lasted since the reign of Edw. IV.* !

* See some able observations on this Chancellor, (cited from that valuable publication, " The Law Magazine,") in Harris's " *Life of Lord Hardwicke,*" vol. iii. p. 523.

serves such high commendation for his upright and enlightened administration of justice, he cannot be praised *for any attempt to amend our institutions by legislation.*"*

The same distinguished writer also says, that,—"After a period about as long as was employed in the siege of Troy, the Commissioners presented their Report, in *which they point out various abuses*, and suggest various amendments; *with very great tenderness to existing interests.* But the prevailing abuses withstood all the long labours of the Commissioners: *no Act of Parliament was passed—no orders were made to correct them.*" And Lord Campbell likewise adds, that,—"this Report (bearing date 8 Nov. 1740), is signed by Lord Hardwicke himself, who had been appointed a Commissioner when at the Bar." (*Lives of the Chancellors*, vol. v. p. 64.) When we consider this fact in addition to other concomitant circumstances,—namely, that Lord Hardwicke had been some years Chancellor when the Report was made; and that he held the seals during a period of twenty years—it is impossible to conclude that the Chancellor could have been unconscious of the great abuses existing in his Court; and hence our surprise is considerably lessened at finding the strong animadversions which have been passed on the career of a Judge, who possessed, as Lord Hardwicke undoubtedly did, very many rare qualities.†

In 1824, another Commission was appointed to inquire into the delays and expense in the Court of Chancery; and in March 1826, the Commissioners made their Report. On the

* Lord Campbell's "Lives of the Chancellors," Vol. v. p. 62.

† Cooksey (who is considered to have known his Lordship well) says,—"His Decrees were very few in comparison to the many causes that came under discussion in that Court in his time. The hearings, rehearings, references to Masters, Reports, and exceptions to those Reports, exorbitant fees to Counsel, and the length of time to which every cause was protracted, *made the Suitors weary, and glad to submit to any decree suggested*, &c." (*Cooksey's Sketches of the Life and Character of Philip, Earl of Hardwicke.*) *Cooper*, p. 17.

18th of May following, the then Attorney General (Sir J. S. Copley), moved that leave should be given to bring in a Bill to regulate the practice of that Court; and leave was accordingly given: no Bill, however, was introduced during the Session, and up to the present time no really comprehensive enactment has been passed to remedy the evils so long existing, and so frequently and so justly complained of. There is no subject, vitally affecting the interests of the people, respecting which, perhaps, "the word of promise" has been more flatteringly kept to the ear, but more flagrantly "broken to the hope," than that of Chancery Reform. Thus we find that Mr. Canning (in the year 1824), in announcing the intention of the Government to issue the above Commission, gave an assurance that, "the inquiry into which the Commission was to enter should be as sincere, as impartial, *and as effectual as it was possible for man to make it:*" and he added that, "No Government, in the present enlightened state of the age, could, after consenting to institute the inquiry, conduct it in such a manner as to prevent it from arriving at *a salutary and beneficial result.*"* Upwards of a quarter of a century's experience, however, of the "effectual, salutary, and beneficial results" conferred on Suitors in Chancery by the labours of the Commissioners, lead us to conclude that prophetic power was not one of the many gifts possessed by the most florid Senator of his day. The Report of 1826 unquestionably presented a mass of valuable information; and if that Report had been promptly acted upon, and its main suggestions adequately carried out, a system of Equity procedure might have been ere this established, calculated to reflect honour upon a great nation, and to confer blessings upon a great and grateful people.

It is not however intended, in these remarks, to minutely investigate the causes of the unsuccessful results attending the

* Speech of the Right Honourable George Canning, in the House of Commons, Feb. 24, 1824.

efforts hitherto made to reform the Court of Chancery; but we may perhaps be permitted to ascribe as one cause, *the tardiness* which frequently characterizes our mode of remedial legislation; for it is seldom that, until a series of errors have been suffered to creep into our judicial procedure, the "amending hand" is stretched forth. And when an amendment is essayed, it is too often presented in the shape of some hastily concocted measure, introduced on the spur of the moment; evincing a total regardlessness of the main circumstances of the case, demonstrating on its *first application* its utter inapplicability, and such measures consequently prove abortive. It is a maxim in physical, as it should be in legislative, science, that not only is previous inquiry requisite to ascertain the nature and extent of a complaint, but that in presenting a remedy, therefore, we should bear in mind the causes of the malady; and surely it is as futile to expect that the thoughtlessly conceived propositions of even the most energetic *faiseur de projéts des lois* of the day would prove a panacea for evils such as those which have been for ages corroding to the heart's core our Equity system; as it would be absurd to expect that the hastily penned prescription of a Physician, however skilful, would effect the cure of a virulent chronic complaint without the prescriber having steadily borne in mind *all the diagnostics of the disease.* It is the fate of all things human, to experience the deteriorating effects of "*that great innovator, Time:*" which indeed, (as Lord Bacon truly says), "innovateth greatly, but quietly, and by degrees scarcely to be perceived;"*—and in correcting legislative or judicial defects, we should never lose sight of the sound maxim: "He who, in the cure of politic or of natural disorders, shall rest himself contented with second causes, without setting forth in diligent travel to search for the original sources of evil,

* Lord Bacon,—Essay xxiv., Of Innovations.

doth resemble the slothful husbandman, who moweth down the heads of noisome weeds, when he should carefully pull up the roots; and the work shall ever be to do again."*

The following letters, therefore, are intended to comprise a brief but dispassionate review of the chief causes of delays in Chancery, and convey such suggestions for their remedy, as in our humble opinion may appear indispensable and practicable.

For the publication of our remarks, we trust that no apology will be deemed requisite; for all will readily concur in the admirable sentiments recently enunciated by that illustrious and enlightened personage, who is justly considered as being, far beyond his years, the most sapient as well as most accomplished Prince of modern times:—"It is the duty of every educated person," said His Royal Highness, "closely

* The definition, so graphically given by the eloquent and philosophic Burke, of what a lawgiver ought to be, is so apposite, that I here insert it, as being worthy the consideration of those mercurial Law-amendment declaimers, who so frequently prove their inability to govern the oratorical engine when it has attained its *momentum*. "The true lawgiver ought to have a heart full of sensibility. He ought to love and respect his kind, and to fear himself. It may be allowed to his temperament to catch his ultimate object by an intuitive glance; but his movements towards it ought to be deliberate. If I might venture to appeal to experience, I should tell you, that in my course I have known, and according to my measure have co-operated with, great men; and I have never yet seen any plan which has not been mended by the observations of those who were much inferior in understanding to the person who took the lead in the business. By a well-sustained progress, the effect of each step is watched; the good or ill success of the first gives light to us in the second; and so from light to light we are conducted with safety through the whole series. We see that the parts of the whole system do not clash; and the evils latent in the most promising contrivances are provided for as they arise. One advantage is as little as possible sacrificed to another; we compensate, we reconcile, we balance. To proceed in this manner, that is, to proceed with a presiding principle and a prolific energy, is with me the criterion of wisdom. What some politicians think the marks of a bold, hardy genius, are only proofs of a deplorable want of ability. By their violent haste and their defiance of the process of nature, they are delivered over blindly to every projector and to every adventurer, to every alchymist and empiric." (*Burke's Works*, vol. v.)

to watch and study the time in which he lives; and as far as in him lies, to add his humble mite of individual exertion to further the accomplishment of what he believes providence to have ordained."* And our belief is, that, notwithstanding the unsuccessful efforts made heretofore in that behalf, it is within the scope, as it is most assuredly within the province, and we doubt not within the disposition, of the wise and powerful Legislature of this great nation, to establish a system of a pure and permanent nature, whereby the High Court of Chancery in England may be rendered capable of dispensing not only full and impartial, but (consonantly with the circumstances of each case) *speedy, Justice.* And, being thereby enabled to avoid the divers "grievances and mischiefs" of former times, thenceforth—"*do right and reason to all*" our revered Sovereign's subjects, "*great and small;*" and "*deliver the People reasonably and without delay;*" and "*without undue tarrying.*"†

* Speech of His Royal Highness the Prince Albert, at the City of London Mansion House, March the 21st, 1850.

† In advocating speedy justice, we by no means intend to recommend that mechanic-like course, whereby "the greater haste but proves the greater delay;" for truly has it been said by that venerated character (Lord Denman), whose undeviating impartiality and dignified bearing so long shed a halo over the judgment-seat which his learning and probity adorned,—"It is error to imagine that Justice can be *in all cases* meted out by *a foot-rule.*"

# LETTERS ON DELAYS

IN THE

# ENGLISH COURT OF CHANCERY.

## LETTER I.

### THE BILL AND THE ANSWER.

"The best method of effecting a reform is, obviously, by tracing up to its source the origin of the evil which it is proposed to cure; for, without this, they who doubt are left unconvinced, and they who are ill-disposed have a means of defence, or at least of objection, put into their hands."

Sir,—Having perceived, with great satisfaction, that a Bill was lately introduced into the House of Commons by the Solicitor-General, Sir John Romilly, for reforming the Irish Court of Chancery, I am induced to solicit a place in your valuable Journal for a few remarks on the evils of the *English* Court of Chancery, evils arising from an imperfect system, rather than abuses resulting from any misconduct on the part of those engaged in the administration of justice; and I trust that no remarks which may fall from my pen will be deemed as aiding an outcry, which has so long and so generally pervaded this kingdom respecting the snail-paced progress of Chancery reform. It is far from my intention to deny the utility of "the most ancient and honourable Court;" on the contrary, I

consider it, *malgré* its practice, to be in principle admirably calculated to administer full, as well as it has ever dispensed impartial, justice; for truly has it been said by that ancient but erudite lawyer, Sir John Doderidge, that "it is a court of conscience, which giveth comfort, considereth all the circumstances of the fact, and is, as it were, tempered with the sweetness of mercy; it mitigateth the rigour of the Common Law, and leaving the inflexible iron rule, taketh the leaden Lesbian rule, and issueth this sentence full of comfort to the afflicted—*Nullus recedat à Cancellaria sine remedio.*"*

The great complaints against the Court of Chancery are the *delay and expense* attending a suit in that Court, and these are undeniable concomitants of a suit in equity, from its institution to its end.

The commencement of a suit in equity is to file a bill of complaint, stating the circumstances of the case; and it may, perhaps, be well to notice here, for the information of non-professional readers, that a bill in equity is constituted of nine distinct parts, &c.: viz., the address,—the introduction,—the premises,—the confederating part,—the charg-

* *The Lawyer's Light*, A.D. 1621, p. 175. "All the Judges of England (*tempo.* ix. Edw. IV.) did unanimously affirm that the Court of Chancery is the King's Court, and hath been time out of mind; so that it was impossible to trace its original." (*Praxis Almæ Curiæ Cancellariæ*, vol. ii. p. 4.) "It is (says Lord Chief Justice Hobart) "an original and fundamental Court, as ancient as the kingdom itself."—*Hobart's Reps.* 63; and Sir Edward Coke was of opinion that "the Court of Chancery hath been beyond time of memory." 3 *Reps.* fol. 2; and, *See Camden's Britannia*, p. 181.

ing part,—the clause of jurisdiction,—the interrogating part,—the prayer for relief,—and the prayer for process. Hence (as Lord Redesdale has observed,) "the indiscriminate use of these parts of a bill, in all cases, has given rise to the common reproach, that every bill in equity contains the same story three times told."* But however clearly and concisely these circumstances may be stated by the equity draftsman, the bill need not be answered under six weeks or two months; and on application to the Master (here the suitor, at almost the first stage, is ushered into "the Master's office"), six weeks or two months longer time is granted, almost as a matter of course. I will not pause to inquire, Sir, why six weeks or two months should be granted to answer the claim of a complainant, who, as he alleges in his bill, has frequently and unsuccessfully previously preferred his claim to the defendant; but I may fearlessly ask, why should six weeks or two months in addition be granted to a party who is unable or unwilling to answer, and who only seeks delay? These evils have been for years frequently commented upon by many powerful pens; and I cannot, perhaps, better illustrate the matter-of-course-ism with which delay is, even in the first stage of a Chancery suit, usually looked upon, than by citing from an able journal the following comments on a case which occurred a

* Mitford's (late Lord Redesdale) Treatise of Pleadings in Chancery, p. 47.

few years back in the court of that erudite, impartial, and independent equity judge, Vice-Chancellor Knight Bruce.

" The delays of equity, 'the glorious uncertainty " 'of the law,' and the 'vexatious delays in Chan- " 'cery,' have been frequently animadverted on: " and we are pleased to perceive that these griev- " ances, so truly discreditable, to say the least of " it, to the administration of justice, are beginning " to be noticed by the advocates and practitioners " of the courts. From the following colloquy, " which recently took place in the Vice-Chancel- " lor's Court, it would seem that an allegation of " delay excites rather risibility than surprise. In " the case of 'Towne *v.* Bonning,' the defendant's " counsel having applied for further time to file the " answer, the plaintiff's counsel, (Mr. Egan) said—

" 'The defendant advances the old allegation— " namely, that he has a good defence to this suit. " If so, why has he not, ere this, put his excellent " defence on the file of the Court? And not having " done so, how can he now have the presumption " to come to this Court and ask its indulgence, " after having delayed the plaintiff in the legitimate " prosecution of his suit nearly three months?

" 'Vice-Chancellor K. Bruce: Can a Chancery " suit be said to be delayed, because the bill has " not been answered in three months? (Laughter.) " —Counsel: I consider, your Honour, that if a " bill be suffered to remain unanswered one day

" beyond the period prescribed by the orders of the " Court, it is a delay, and a most unjustifiable delay.

" 'Vice-Chancellor: So do I; but I fear that is " not the generally entertained opinion.—Counsel: " To the discredit of the Court of Chancery, I be- " lieve that there are bills on the file which have " remained unanswered for years.

" 'Vice-Chancellor: Let the defendant pay all " the costs of, and incidental to, this application, " and also all the costs incurred by his contempt " in not answering. Let the defendant file his " answer without further delay, and let the cause " proceed forthwith.'

" With much truth, indeed, did his Honour " assert that such delays were a perfect denial of " justice, and ought not to exist. But of what use " are such remarks, or animadversions, even from " so high a quarter? It is not at all new to find " judges passing censure on the laws which they " are themselves called on to administer. The " fault lies with the Legislature, which appears to " look with a reverential awe upon everything con- " nected with the Court of Chancery. Abuses of " the grossest and most flagrant kind are allowed " to remain, and apparently for no other earthly " reason than because, as Burke said of the British " Constitution, they are 'covered with the awful " 'hoar of innumerable ages.' Let us hope that " something will, ere long, be done to reform such " crying evils."*

* Monmouthshire Merlin, 27th March, 1847.

Here, Sir, it is apparent that, were it not for the discrimination and determination of an enlightened judge, an objection to a defendant not answering in a reasonable time would have been scouted as ridiculous in the High Court of Chancery; but what can a solitary judge, however well-intentioned, do in matters that are the peculiar province, and, in my opinion, the bounden duty, of the Legislature to correct? What has been done to amend such evils since? Nothing! The bill of Sir J. Romilly (that lustrous son of an illustrious sire), is a measure which has a larger and wider bearing than a mere application to *Irish* interests; and when it has undergone the judicious amendments contemplated, may, if not untowardly interscinded, prove the precursor of a reformation in that "legal Inferno— "that Moloch of unfortunate suitors—that curse "to hundreds of thousands—the system pursued "in the *High Court of Chancery in England.*"* I have, Sir, thus glanced at the Bill and the Answer. I have shown that the first step in Equity

* Every suitor of the Irish Court of Chancery must feel grateful to Sir John Romilly, as being the originator of an idea to reform that Court: and indeed every liberal mind must experience pure gratification in contemplating Her Majesty's Solicitor-General treading in the footsteps of his celebrated father, by evincing a desire to see fully carried out those beneficial legal reforms which were contemplated by that great man, of whom it is recorded, that "He (Sir Samuel Romilly) was no sooner promoted to office, than he submitted to Parliament his proposals for improvements in the Bankrupt and Criminal Law." "Long," said he, "has Europe been a scene of carnage and desolation; but a brighter prospect now opens before us, for

"——Peace hath her victories,
Not less renowned than War."

may precipitate plaintiff and defendant into "the Master's Office." Should you so far indulge me, I will, at no distant day, glance at "Parties to a suit in Chancery."

A Voice from Lincoln's Inn.

## LETTER II.

### PARTIES TO THE SUIT, DEMURRERS, &c.

SIR,—In my former letter, it was shown that Equity suitors can be with great facility introduced into that mundane Elysium, "the Master's Office;" and

> "Oh, if there be an Elysium on earth,
> It is this—it is this—it is this."

But it being hoped that amongst your numerous and influential readers there are some so fortunate as to be unacquainted with the "Citadel of the Court of Chancery," I cite the following description given of it twenty years ago by an experienced legist (Mr. Jacob): —"Of all the foul appendages "to a court of justice that craft and cupidity ever "invented, the 'Master's Office' is one of the most "flagrant, for it combines within itself nearly every "noxious quality that, in the nature of things, could "be incident to a court of justice. Its meetings "are secret; its officers are paid in proportion to "the badness of their work, and the delay they can "create; its sittings are broken up into little frag- "ments of time, called *hours*, so that whatever stage "of discussion the matter then before the Master

"may have reached, it is necesssarily adjourned "without any regard to the ends of justice, the "situation of the suitors, or the convenience of the "parties whose attendance is requisite." (*Leg. Exa.*, p. 346.) Such was the Master's Office twenty years ago, and such, with little exception, it is still; for through the kindness of a judicious defendant, —*i. e.*, a gentleman who, being anxious to uphold the characteristic practice of the court, *will not Answer prematurely*—a plaintiff may even now become familiarised with the *bureau* of that great interlocutory functionary, "the Master," long before an Answer has been obtained even to an original bill; for be it borne in mind that, in addition to *original* bills, wherein the plaintiff merely prays a decree touching some right withheld by the defendant, there are also a variety of other bills,—as bills of interpleader, see 2 *Ves.* 310, *and Pract Reg.* 39;—bills of certiorari, 1 *Vern.* 178;—bills to perpetuate testimony, *Rep. Temp. Finch*, 391;—bills of discovery, 1 *Ves.* 205;*—bills *quia timet*, *Amb.* 479;—bills of peace, *Atk.* 282;—and cross bills.† There are likewise "further and other bills," but their titles need not be here enumerated, as they will come within my remarks on "parties," which

* The intricate practice relative to this class of Bills has given rise to the publication of two very ably written books, viz., "Points in the Law of Discovery," written by the present Vice-Chancellor, Sir James Wigram (a Judge possessing a most analytical and profoundly legal mind); and a "Treatise on Discovery by Bill and Answers in Equity," by the talented Mr. Thomas Hare, of the Chancery Bar.

† "The Cross Bill," said Lord Hardwicke, "is *a Defence*, and always considered so." (*Kemp v. Mackrell*, 3 *Atk.* 812.)

important feature in Chancery pleadings will forthwith be noticed.

The leading rule relative to "parties," is, that all "persons interested in the demand, or who may be "affected by the relief prayed, ought to be parties "to the suit, however numerous they may be;" but "the judicial expositions of this rule (as Dr. Woode-"son truly remarks) are very numerous," (*View of the Laws of England*, v. iii. p. 370); and it may be added, that the conflicting opinions which still exist on this point, frequently cause both delay and expense. Lord Chancellor Hardwicke says—"The "general rule is, that if you draw the jurisdiction "out of a court of law, you must have all persons parties before the court, who will be necessary to make the determination complete." (*Poore v. Clarke*, 2 *Atk.* 515.) Lord Thurlow says—"All "parties having an apparent right, must be brought "into court before the court will do anything "which may affect their right." (1 *Ves.* 29.) Sir William Grant says—"As far as it is possible, the "court endeavours to make a complete decree that "shall embrace the whole subject, and determine "upon the rights of all parties interested." (*Palk v. Lord Clinton*, 12 *Ves.* 58.) And Lord Eldon says—"The strict rule is, that all persons mate-"rially interested in the subject of the suit, how-"ever numerous, ought to be parties." (*Cockburn v. Thompson*, 16 *Ves.* p. 325.)

These various authorities show the vague language in which the rule has been laid down from

time to time by celebrated Judges; and in noticing its indefinite character, an able writer observes, that "the object at which judges have aimed in "giving their judgments, has been to lay down the "rule with sufficient accuracy for the case imme- "diately before them, but they have not attempted "to pronounce a general rule." (*Calvert's Treatise on Parties to Suits in Equity*, p. 5.)

Viewed theoretically, the rule savours of justice; but it cannot be denied that its practical operation, doubtless caused by its judicial fluctuation, has frequently proved detrimental to the interests of suitors; for if, in attempting to carry out the strict rule, too many persons or matters should be included in the pleadings, the bill may be *demurred to for multifariousness;* and if too few be included, it may be *demurred to for want of parties*; see 1 *Atk.* 291, 3 *P. Wms.* p. 331; and *Salomans v. Laing, Rolls Court, Jan.* 12, 1850, *S. C.*; *The Jurist*, Vol. xiv. p. 279;) so that

"Incidit in Scyllam, qui vult vitare Charybdim."

or, as that popular classic, Mr. *Punch*, would say —"Between two stools, the suit falls to the ground."

Notwithstanding that the bill may have passed the ordeal of *Demurrer*, there are other causes of delay and expense incidental to a Chancery suit.* According to the established practice, a plaintiff is

* "The principal ends of a Demurrer (says Mitford) are *to avoid a discovery* which may be prejudicial to a defendant, or *to cover a defective title*, &c."—*Mitf. Equ. Plead.* p. 100.

only allowed to amend his original bill within certain limits of time and subject matter; and even this liberty is very circumscribed, for many imperfections which arise in a suit during its progress are incapable of being remedied by amendment. (See Jones *v.* Jones, 3rd *Atk.* 217.) And if any event happen subsequently to the filing of an original bill, which gives a new interest in the matter in dispute, to any person *not a party* to the bill, as the *birth* of a tenant in tail; or if any event happen which occasions any alteration in the interest of any of *the parties to the suit;* or if any of the parties die, another bill must be filed, which is termed "a supplemental bill." And here it is, mark,—worthy the great facilities afforded of adding to the prolixity of the pleadings; for even where the plaintiff has been ordered to amend his bill, and he has thought proper to file a "supplemental bill," it has been held *justifiable,* as appears from the case of *Greenwood v. Atkinson.* In this case, although the great Edward Sugden himself (he being of counsel in the cause) argued for the strict adherence to the rule laid down by Lord Redesdale—viz.: "that wherever the same end may be obtained by "amendment, a supplemental bill *should not be filed;*" yet the Vice-Chancellor overruled the objection, observing—"*Nothing is more usual than to file a "supplemental bill for the purpose of bringing a new "party before the Court.*"—See 5 *Simon's Chancery Reports,* p. 422.*

* The facts of this case give what may be considered the history

And further, as to the practice of the Court: If a female plaintiff marry, or a sole plaintiff in a suit die, the suit must be continued by a new bill, entitled, "A Bill of Revivor." (*Adams v. Hall, Turner's Ch. Repts.* p. 259; and *White's Treatise on "Supplement and Revivor."*) Thus fruitful causes of delay are afforded by births, marriages, and deaths; and for the occurrence of which ample time is afforded by the ordinary period over which a Chancery suit usually extends.*

These are a few of the evils emanating from our present Equity System—evils which still remain unredressed, *although frequently denounced in Parliament;* and it is but just to state, that by none of our legislators have those evils been

of many "a short Chancery suit." In June, 1830, the Bill was filed; in December application was made for leave to file a supplemental answer, *to enable the defendant to deny admissions in his original Answer:* and the plaintiff being ordered to amend his Bill, filed a supplemental Bill. In July, 1832, the original and supplemental causes were heard; but the defendant insisting on the Statute of Limitations, as a bar to the plaintiff's demand, an Issue was granted to try the matter at Law. At the York Assizes, in 1833, the action was tried, and the plaintiff being non-suited, leave was given to move for a new trial; a special case was directed to be framed, but before it could be argued, the defendant died, and the action being for *Tort,* terminated.—*See* 5 *Simon's Ch. Reports,* p. 423, note A. If the defendant had not died, the probability is that the suit, "Greenwood *v.* Atkinson," would still occasionally grace the "Cause List" of the Court of Chancery; more particularly when we consider *the status* of the parties—viz.: the plaintiff being a *capitalist,* and the defendant *an attorney.*

* Recently, in the Vice-Chancellor's Court, an interlocutory application was made in a suit instituted *upwards of* 70 *years ago,* respecting claims under a will: "the most surprising as well as satisfactory feature in the case was, that *sufficient funds had remained* to enable the court to give the solitary applicant his costs."—*Law Times, March* 1850.

more frequently denounced than by one of our most eminent equity judges, the present Master of the Rolls, (Lord Langdale,) with whose remarks on the subject I will conclude this letter: "Delay (said this eloquent senator and upright judge) "begets delay. In the course of time supplemental "facts arise, parties die, or change their relative "situations—new parties interested in the property "come into existence—interests devolve or are "transmitted—and various dealings with the pro- "perty take place. Every event may, and often "does, become a source of fresh litigation and fresh "delay. Bills of Revivor and Supplement, and "repeated interlocutory applications, are the con- "sequence, and in their turn become the causes, "of additional delay and increased expense. The "delay, united with its attendant expense, tends "to shut the door of justice. The man whose "violated rights require the aid of the law, and "who ought to find redress in its courts, is deterred "by the delay and expense.

"The wrong-doer sits in tranquillity and triumph; "nay more, the same state of things which discou- "rages *bonâ fide* litigation, encourages *mala fide* "litigation, and invites a wrong-doer himself into "court. He comes, with a fictitious complaint, "not to establish a right, but to extort submission "to wrong, and to secure to himself the fruit of his "own iniquity. There are cases in which the "injured party will submit to oppression, or a "compromise of his rights, rather than expose him-

" self to litigation, which he knows will be attended " by great delay, and consequent anxiety and ex- " pense."*

Here, Sir, we have presented to us a portraiture, drawn by a fearless, but a faithful and experienced hand, of the position of that portion of Her Majesty's subjects who may unhappily be suitors in the Court of Chancery, that *Magna Aula Justitiæ* in England. And is it surprising, Sir, that the people of this, as well as the people of the sister country, should uplift their voices in reprobation of a System, many memorials of which are to be found in the histories of " the paupers it hath made, and the hearts it hath broken?" In my next I will touch on the results of " The Reference to the Master," and " The Master's Office."

A Voice from Lincoln's Inn.

* Lord Langdale's Speech in the House of Lords, 1836.

## LETTER III.

### THE LORD CHANCELLOR'S NEW ORDERS, AND THE MASTER'S OFFICE.

"Let 's take the instant by the forward top;
For we are old, and on our quick'st decrees
The inaudible and noiseless foot of time
Steals, ere we can effect them."

SIR,—Since the publication of my Second Letter on "Delays in the English Court of Chancery," a new series of Chancery Orders has been issued; and although they fall far short of public expectation, yet their appearance is to a certain extent satisfactory, inasmuch as it affords a demonstration that the efforts made by our public journalists, and other advocates of Chancery Reform, have not been deemed altogether disentitled to consideration in the proper quarter.

The issuing of these Orders is, undoubtedly, a step in the right direction; as they may tend to throw open a little wider, to others than the wealthy, the doors of that Court, where, if some writers are to be accredited, the rich have had, ere now, given to them good things, and the poor have been sent empty away.* If, however, these Orders have been

* For great estates and great fortunes, there is no security so good, no trustee so safe, as the Court of Chancery; *but, to little fortunes it is ruin.*—(*Evidence of Mr. J. Forster, before the Chancery Commissioners.*)

promulged as a remedy for all the grievances, against the ruinous effects of which suitors in Chancery have so long and so justly complained, we fear that a very short experience of their practical operation will induce a declaration of their being *pas de clerc;* because their chief object seems to be the enabling of suitors to enter more hastily, and at somewhat less expense, than heretofore, "The Master's Office;" and after a few preliminary steps, suits will still, perhaps, be allowed to trail their tortuous course, throughout subsequent stages, in much the same fashion as formerly. From the brief consideration which we have been enabled to give these Orders we cannot find that they touch the root of Chancery evils: they do not seem calculated to effectually lessen the pecuniary burdens laid on the suitors; to diminish the delays which painfully impede the suitor's progress through the wearisome pilgrimage of an Equity suit; no adequate provision appears to have been made to contemporate the old practice, so as to meet the obstacles which may arise in carrying out the new regulations; neither can it be clearly ascertained, from the language of the Orders themselves, whether they will or not apply in cases of interlocutory applications (as for Receivers, Injunctions, &c.); and these oversights will most probably afford fruitful sources of application to the Court, in the nature of appeals from the Master's decision. Moreover, these regulations still leave it optional with a Plaintiff to proceed

according to the old system, viz. *by filing a Bill;* (see *New Order* xxxii. *Appendix*, p. 40); so that a wealthy and ill-disposed Complainant, if he be willing to risk the costs payable beyond the new fees, may, as usual, cast the Defendant into the ancient abysm, while "the wrong-doer sits in tranquillity and triumph." In commenting upon these Orders, the Editor of the "Jurist" justly says: "*Of their precise operation*, in reference to the subjects to which they expressly apply, *it is difficult to form an opinion.*" (See "*The Jurist*," April 27, 1850.) And the same talented publication, in a subsequent review of these regulations, offers the following remarks, which (although, like other comments written on the subject, at present must be considered mere conjecture), are entitled to attention as indicating that many important questions may arise relative to the proper construction to be put upon them.

"A question of considerable importance is, *whether the New Orders can be applied to a case in which interlocutory relief, by Injunction or otherwise, may be required?* This seems to depend principally on the effect of the 4th and 11th Orders, by which *the defendant is to have at least fourteen days, after service of the writ of summons, to show cause* why the plaintiff should not have the relief claimed against him.

"The 4th and 11th Orders, it is apprehended, apply only to the complete and final relief sought, and do not interfere with the general jurisdiction of the Court to grant limited interlocutory relief, pending the determination of the final question of equitable right between the parties. *If they are to be construed to exclude preliminary relief, they must be so construed as well with reference to cases expressly included* in

the 1st Order, *as to others*; and as it is certain that, in many of those cases, it is every day's practice to require Injunctions, and occasionally Receivers, (as, for instance, in a suit by a legatee, charging the executor with malpractice or insolvency); and as it follows that, *if these Orders exclude the possibility of such interlocutory relief before the time for showing cause, they would be useless as to a large portion of the cases to which they are directed expressly to apply*, it follows also, that *nothing short of clear declaration*, or irresistible inference to be collected from the language of the Orders themselves, can be expected to induce the Court to put upon them a construction so destructive of their efficiency.

Then *is there any such irresistible inference—for specific declaration, it is clear, there is none*—ousting the general jurisdiction of the Court to grant interlocutory protection, pending the final determination of the right to relief? *We apprehend there is not.* The 2nd Order simply substitutes the filing of a claim for the filing of a bill, and gives to the former proceeding the force and effect of the latter; so that *a suit commenced by claim* is as effectually launched, *as a suit*, as if it were *commenced by bill.* The 9th Order makes all claims and proceedings, &c. subject to the general rules and practice of the Court, *so far as they are not inconsistent with the Orders.* The 4th and 11th certainly do not, in terms, exclude interlocutory protection; and, taking them in conjunction with the 13th, we apprehend it to be clear that they refer to the showing cause against, and determining, the title of the plaintiff to the *complete relief* that he demands, not to an interlocutory order, which never gives, in strictness, the relief demanded, but only protection against injury to the subject-matter of the right claimed, pending the determination of the title to it. All the Orders referred to, taken together, appear to us to leave subsisting the right of a plaintiff proceeding by claim, whether by common claim under the 1st Order, or by special claim under the 6th, to go to the Court for such interlocutory protection as he might have had if he had proceeded by bill; and we conceive that the application for such protection will continue to be, as it is now, obtainable by motion ex parte or on notice, according to the case

made, and supported by evidence on affidavit, according to the present practice.

"*It may, however, be urged, that as there can be no Answer, the defendant would, if the plaintiff might proceed under these Orders, be deprived of the advantage which the rule of practice, excluding affidavits against the Answer, gives him in a suit commenced by bill.* It would be also to be observed, that, *unless the shewing cause on affidavit is to be treated as answering, the Orders would, in effect, abolish the common Injunction for default in answering.* And *it may be thought*, that *such material alterations in the practice cannot be implied*, and that therefore the Orders are not intended to apply to Injunction suits of any kind." (*The Jurist, May* 4, 1850.)

Of juridical Orders, however, it may be observed that, like juridical enactments, they should be, not only wisely devised and carefully framed, but they should also be couched in language so clear and conclusive, as to prevent any misconception respecting their applicability, or admit of any perversion of their intendment; but, although we fear it will ultimately be found that the new Chancery Orders do not possess these essentials, yet we willingly give Lord Cottenham due credit for the good intention manifested by this effort to redress, so far as lay in his power, the numerous and oppressive evils existing in that Court over which he for many years so creditably presided;* but

* Amongst the many distinguished characters to whose custody the Great Seal of England has been confided, few have had conferred upon them a higher meed of public approbation than Lord Chancellor Cottenham, and we but reiterate general opinion by adding, that, as an Equity Judge, the noble and learned Lord is justly entitled to rank with the most celebrated of his official predecessors.

however desirous a Lord Chancellor may be to see impartial justice meet the suitors at the very vestibule of the Court, the truth nevertheless is, that the Lord Chancellor of himself does not possess power sufficient to grapple successfully with the evils of Chancery, which (as already shewn) have been accumulating for upwards of *five centuries*;*—the Lord Chancellor alone does not possess sufficient authority to establish that efficient, extensive, and unclogged machinery, the existence of which has become requisite for carrying on the gigantic business of that Court which, in modern times, exercises jurisdiction over "the largest part of the whole property which is litigated in this kingdom." And as regards Chancery Orders more particularly, we are well convinced, from the experience already afforded by them, that suitable and satisfactory Chancery Reform cannot be effectuated by such means only. Without dwelling on the various volumes of ancient Chancery Orders, Ordinances, Rules and Regulations, still extant, we may notice, that, within our own time, numerous "New Chancery Orders" have been issued, embracing multitudinous practical points;†

* So early as the reign of Richard II. the Commons petitioned that "the most wise man in the realm might be made Chancellor," and "that he seek to redress the enormities of Chancery." But in these days the requisition is, not for a better Judge, *but a better system*. That which the people require, is a pure, efficacious, and permanent Equity system, whereby the chief administrator thereof, may not be, as it were, a political rocking-stone, oscillating with the veerings of the vane of the predominant party for the time being.

† The Orders issued, from the year 1828 to the present time, by

and when we also recollect that in little more than twenty years the Court of Chancery has been subjected to the conflicting control of not less than

the various Chancellors who have occasionally filled "the marble-chair" (Lords Lyndhurst, Brougham, and Cottenham) embrace some hundreds of items; and as those Orders for the most part were made for the purpose of "amending, altering, enlarging, varying, rescinding, suspending, or repealing" some previous Orders, the practitioner, when having occasion to search for an Order bearing upon a particular point, consequently becomes perplexed in his endeavours to ascertain whether any one Order bearing upon the subject under consideration, has or not been "altered, suspended, enlarged, or rescinded" by any other of the numerous Orders, which, "thick as leaves in Valambrosia," adorn the pages of a Beames, a Daniell, a Beavan, or a Miller. And indeed the state of our Common Law may be considered as deplorable as that of Equity; and the following comments on the subject, which we extract from a recent Number of an able journal (the Morning Herald,) are worthy of grave consideration:—"We are daily told from the bench, in the words of Lord Coke, that '*ignorantia legis neminem excusat*'—that ignorance of the law excuses no man—and yet by no possibility can, not merely our citizens, but our most instructed lawyers, know that which it is in contemplation of law inexcusable to be ignorant of—namely, our Statute Law.

"The Statutes at large now amount to 33 or 34 volumes 4to, of about 850 pages each volume. On the construction of these Statutes there are annually published about 30 volumes of Reports, containing at an average about from 700 to 800 pages of matter. How can the smallest or the largest head—how can any twenty men—or, to use the epithet of Sir Launcelot Shadwell, how can any twenty angels—carry all this waggon-load of rude, shapeless, and lumpy law in his perplexed or angelic brain? How can he digest or common-place it, supposing his life to be extended to the 110 years of Old Parr, and the student to be as economical of his minutes as Elwes was of his money. Roger North in his day, when the Law Reports were 60 in number, and the volumes of Statutes few, spoke of them as innumerable. What would that worthy say now, if he were to rise from the grave, and find 650 volumes of Reports in his chambers, containing 300,000 points, decided, many of them on the construction of our Statutes. Day by day, from January to August, come forth new Acts in frightful fecundity. There are Acts of creation and constitution—Acts of abolition—Acts of amendment—Acts to amend amendments. We defy any three men at the bar, without conference, consultation, and reference to books—we defy the fifteen Judges themselves—to say, even in relation to the past session,

*three different Chancellors*, (irrespective of temporary Lords Commissioners); and that in that comparatively short space of time the Great Seal has been transferred from hand to hand, *more than half-a-dozen times;* it is not surprising to find it alleged that the practice of the Court has imbibed "errors, uncertainties, and imperfections."

It has been said, by an unquestionable authority on the subject, that "fixation in matters of law, above all things, tends to prevent litigation, and to make a people contented."* But how is it possible to obtain judicial fixation, while our present system of Equity exists? and is it astonishing to find that the people, subject to such a system, are not contented? Under such circumstances as the foregoing, it is obvious that Parliament is the

how far this Statute has repealed or altered that—how this or that Clause is to be interpreted—how long such or such a provision is to be in force. There is not that man living who knows the Statute Law, or ever can know it, as things are now. Some men and Judges know it better than others. But let a man know it as well as the best faculties and application allow to a poor finite being, it is impossible for any lawyer to expound without book, and without grave weighing and consideration, the mysteries and complexities of the Statute Law.

"Now this ought not to be in a civilised country. This is not a safe or a natural state of things; and we repeat, they are the best Conservators of law—and the best Protectionists of order—who see and say that *it is not a safe state of things*. What, however, is the remedy? Simplification of the Statute Book itself. As to the 33 volumes of Acts of Parliament already in print, no question a competent commission of lawyers might make valuable suggestions as to reducing and simplifying the mass. And as to future Acts, there should be not only a general simplification, but a removal of every superfluous word, and a recurrence to first principles, which are always simple."

* Letter of Sir Edward Sugden to Lord Melbourne, in the year 1835.

competent authority to deal with Chancery evils; for while we admit, that to put an end to the practice of litigation, seems, if it can be achieved at all, to be best fitted for the labours of the moralists, who seek the general improvement of the human race, yet we agree with a judicious writer who says that, "To prevent that practice from becoming a curse to the community, is a task of a different description, and belongs to the Legislature." That our Legislature is capable of dealing effectively with the Court of Chancery, we have previously asserted; and it is to be hoped that, ere long, we may find the momentous subject of Chancery Reform engaging the serious attention of the Great Council of the Nation; and we humbly but ardently trust, that attention thereto may be instigated by that most powerful, as well as most legitimate, stimulant to even Legislative consideration—A RECOMMENDATION FROM THE THRONE. And we are the more animated to humbly offer this suggestion, from the deep sensibility which we, in common with our fellow-subjects, entertain of the many valuable blessings which our benign and revered Sovereign, Her Most Gracious Majesty Queen Victoria, has already conferred, (even in the infancy, as we ardently pray the far-distant future may prove it to be, of her regal life) on Her Majesty's loyal, devoted, and grateful people.

A VOICE FROM LINCOLN'S INN.

# Appendix.

## NEW CHANCERY ORDERS,

ISSUED, APRIL 22, 1850.

THE Right Hon. CHARLES CHRISTOPHER LORD COTTENHAM, Lord High Chancellor of Great Britain, by and with the advice and assistance of the Right Hon. HENRY LORD LANGDALE, Master of the Rolls, the Right Hon. Sir LANCELOT SHADWELL, Vice-Chancellor of England, the Right Hon. the Vice-Chancellor Sir JAMES LEWIS KNIGHT BRUCE, and the Right Hon. the Vice-Chancellor Sir JAMES WIGRAM, doth hereby, in pursuance of an act of Parliament passed in the fourth year of the reign of her present Majesty, intituled "An Act for facilitating the Administration of Justice in the Court of Chancery," and of an act passed in the fifth year of the reign of her present Majesty, intituled "An Act to amend an Act of the Fourth Year of the Reign of her present Majesty, intituled 'An Act for facilitating the Administration of Justice, in the Court of Chancery,'" and of an act passed in the eighth and ninth years of the reign of her present Majesty, intituled "An Act for amending certain Acts of the Fourth and Fifth Years of the Reign of her Majesty, for facilitating the Administration of Justice in the Court of Chancery, and for providing for the Discharge of the Duties of the Subpœna-office after the Death, Resignation, or Removal of the present Patentee of that Office," and in pursuance and execution of all other powers enabling him in that behalf, ORDER and DIRECT, that all and every the rules, orders, and directions hereinafter set forth shall henceforth be, and for all purposes be deemed and taken to be, GENERAL ORDERS AND RULES OF THE HIGH COURT OF CHANCERY, viz.—

I. Any person seeking equitable relief may, without special leave of the Court, and instead of proceeding by bill of complaint in the usual form, file a claim in the Record and Writ Clerks' Office, in any of the following cases—that is to say, in any case where the plaintiff is or claims to be,

1. A creditor upon the estate of any deceased person, seeking payment of his debt out of the deceased's personal assets.
2. A legatee under the will of any deceased person, seeking payment or delivery of his legacy out of the deceased's personal assets.
3. A residuary legatee, or one of the residuary legatees, of any deceased person, seeking an account of the residue, and payment or appropriation of his share therein.
4. The person or any of the persons entitled to the personal estate of any person who may have died intestate, and seeking an account of such personal estate, and payment of his share thereof.
5. An executor or administrator of any deceased person, seeking to have the personal estate of such deceased person administered under the directions of the Court.

6. A legal or equitable mortgagee or person entitled to a lien as security for a debt, seeking foreclosure or sale, or otherwise to enforce his security.
7. A person entitled to redeem any legal or equitable mortgage or any lien, seeking to redeem the same.
8. A person entitled to the specific performance of an agreement for the sale or purchase of any property, seeking such specific performance.
9. A person entitled to an account of the dealings and transactions of a partnership, dissolved or expired, seeking such account.
10. A person entitled to an equitable estate or interest, and seeking to use the name of his trustee in prosecuting an action for his own sole benefit.
11. A person entitled to have a new trustee appointed in a case where there is no power in the instrument creating the trusts to appoint new trustees, or where the power cannot be exercised, and seeking to appoint a new trustee.

II. Such claim in the several cases enumerated in Order I. is to be in the form and to the effect set forth in Schedule (A.) hereunder written, as applicable to the particular case, and the filing of such claim is, in all cases not otherwise provided for, to have the force and effect of filing a bill.

III. Every such claim is to be marked at or near the top or upper part thereof, in the same manner as a bill is now marked, with the name of the Lord Chancellor and one of the Vice-Chancellors, or with the name of the Master of the Rolls.

IV. Upon filing such claim, the plaintiff thereby claiming may sue out a writ of summons against the defendant to the claim, requiring him to cause an appearance to be entered to such writ, and also requiring him, on a day or time to be therein named, or on the seal or motion day then next following, to shew cause, if he can, why such relief as is claimed by the plaintiff should not be had, or why such order as shall be just, with reference to the claim, should not be made.

V. Such writ of summons is to be in the form and to the effect in that behalf set forth in No. 1. of Schedule (B.) hereunder written, with such variations as circumstances may require, and is to be sealed with the seal of the office of the Clerk of Records and Writs.

VI. In any case other than those enumerated in Order I, or in any case to which the forms set forth in Schedule (A.) are not applicable, the Court (if it shall so think fit) may, upon the ex parte application of any person seeking equitable relief, and upon reading the claim proposed to be filed, give leave to file such claim, and sue out a writ of summons thereon under these Orders; and if such leave be given, an indorsement thereon by the Registrar, upon the proposed claim, shall be a sufficient authority for the Record and Writ Clerk to receive and file such claim.

VII. In the case provided for by the 5th Article of Order I. any one person who, under the 3rd or 4th Article of Order I. might have claimed relief against the executor or administrator of the deceased person whose personal estate is sought to be administered, and the co-executor or co-administrator (if any) of the plaintiff, may be named in the writ of summons as defendants to the suit; and, in the first instance, no other person need be therein named.

VIII. In other cases, the only person who need be named in the writ of summons as defendant to the suit, in the first instance, is the person against whom the relief is directly claimed.

IX. All claims, and all writs, caveats, proceedings, directions, and orders consequent thereon, either before the Court or in the Masters' offices, are to be deemed proceedings, writs, and orders subject to the general rules, orders, and practice of the Court, so far as the same are or may be applicable to each particular case, and consistent with these Orders; and all orders of the Court made in such proceedings are to be enforced in the same manner and by the same process as orders of the Court made in a cause upon bill filed.

X. Writs of summons are, as to the number of defendants to be named therein, as to the mode of service thereof, and as to the time and mode of entering appearances thereto, to be subject to the same rules as writs of subpœna to appear to and answer bills.

XI. The time for shewing cause named in any writ of summons (except a writ

of summons to revive or carry on proceedings) is to be fourteen days at the least after service of the writ; but, by consent of the parties, and with the leave of the Court, cause may be shewn on any earlier day.

XII. At the time for shewing cause named in the writ, or on the seal or motion day then next following, or so soon after as the case can be heard, the defendant, having previously appeared, is personally or by counsel to shew cause in court, if he can, (and if necessary by affidavit), why such relief as is claimed by the claim should not be had against him.

XIII. At the time appointed for shewing cause, upon the motion of the plaintiff, and on hearing the claim, and what may be alleged on the part of the defendant, or upon reading a certificate of the appearance being entered by the defendant, or an affidavit of the writ of summons being duly served, *the Court* may, if it shall think fit, make an order granting or refusing the relief claimed, or directing any accounts or inquiries to be taken or made, or other proceedings to be had, for the purpose of ascertaining the plaintiff's title to the relief claimed; and further, the Court may direct such (if any) persons or classes of persons as it shall think necessary or fit to be summoned or ordered to appear as parties to the claim, or on *any proceedings before the Master*, with reference to any accounts or inquiries directed to be taken or made, or otherwise.

XIV. Every order to be so made is to have the effect of, and may be enforced as, a decree or decretal order made in a suit commenced by bill, and duly prosecuted to a hearing, according to the present course of the Court.

XV. If, upon the application for any such order, or during any proceedings under any such order when made, it shall appear to the Court that, for the purposes of justice between the parties, it is necessary or expedient that a bill should be filed, the Court may direct or authorise such bill to be filed, subject to such terms as to costs or otherwise as may be thought proper.

XVI. The orders made for granting relief in the several cases to which the forms set forth in Schedule (A.) are applicable may, if the Court thinks fit, be in the form and to the effect set forth in Schedule (C.), as applicable to the particular case, with such variations as circumstances may require.

XVII. Under every order of reference to the Master under these Orders, the Master is, unless the Court otherwise orders, to be at liberty to cause the parties to be examined on interrogatories, and to produce deeds, books, papers, and writings, as he shall think fit, and to cause advertisements for creditors, and if he shall think it necessary, but not otherwise, for heirs and next of kin, or other unascertained persons, and the representatives of such as may be dead, to be published in the usual forms, or otherwise, as the circumstances of the case may require; and in such advertisements to appoint a time within which such persons are to come in and prove their claims, and within which time, unless they so come in, they are to be excluded the benefit of the order; and in taking any account of a deceased's personal estate under any such order of reference, the Master is to inquire and state to the Court what part, if any, of the deceased's personal estate is outstanding or undisposed of, and is also to compute interest on the deceased's debts, as to such of them as carry interest, after the rate they respectively carry, and as to all others, after the rate of 4*l.* per cent. per annum from the date of the order, and to compute interest on legacies after the rate of 4*l.* per cent. per annum from the end of one year after the deceased's death, unless any other time of payment or rate of interest is directed by the will, but in that case according to the will; and under every order whereby any property is ordered to be sold with the approbation of the Master, the same is to be sold to the best purchaser that can be got for the same, to be allowed by the Master, wherein all proper parties are to join, as the Master shall direct.

XVIII. If, upon the proceedings before the Master under any such order, it shall appear to the Master that some persons, not already parties, ought to attend, or to be enabled to attend, the proceedings before him, he is to be at liberty to certify the same; and upon the production of such certificate to the Record and Writ Clerk, the plaintiff may sue out a writ of summons requiring the persons named in such certificate to appear to the writ, and such persons are thereupon to be named and treated as defendants to the suit.

XIX. Such writ of summons, under an order or Master's certificate, is to be in the form and to the effect in that behalf set forth in No. 2 of Schedule (B.), with such variations as circumstances may require.

XX. The persons so summoned, having appeared, are to be at liberty to attend, and to be entitled to notice of the proceedings before the Master under the order of reference, subject to such directions as the Master may make in respect thereof.

XXI. Where any proceedings, originally commenced by claim and writ of summons, shall, by the death of parties or otherwise, have become abated or defective for want of parties, and no new relief is sought, a claim to revive or carry on the suit may be filed; and such claim is to be in the form set forth in No. 12 of Schedule (A).

XXII. The party claiming simply to revive or carry on proceedings may sue out a writ of summons requiring the defendant thereto to appear to the writ, and to shew cause, if he can, why the proceedings should not be revived or carried on.

XXIII. Such writ of summons is to be in the form and to the effect in that behalf set forth in No. 3 of Schedule (B.), with such variations as circumstances may require.

XXIV. If any defendant to any such writ is desirous of shewing cause why the proceedings should not be revived or carried on, he is to appear and to file a caveat against such revivor or carrying on in the Record and Writ Clerk's office, in the form set forth in No. 4 of Schedule (B.), and to give notice thereof in writing to the opposite party. If no such caveat be filed within eight days from the time limited for his appearance to the writ, then at the expiration of such eight days the proceedings are to be revived, and may be carried on without any order for the purpose; and a certificate of the Record and Writ Clerk, that no caveat has been filed within the time limited, is to be a sufficient authority for the Master to proceed. But if any such caveat be filed, the proceedings are not to be revived or carried on without an order to be obtained on motion, of which due notice is to be given.

XXV. Where any further or supplemental relief is sought, and such supplemental relief is such as is provided for in any of the cases enumerated under Order I., a supplemental claim may be filed in such of the forms set forth in Schedule (A.) as is applicable to the case.

XXVI. If such supplemental relief is not such as is provided for by Order XXV, a supplemental claim may be filed, stating shortly the nature of the plaintiff's case, and the supplemental relief claimed, but the leave of the Court is to be obtained previously to the filing thereof, upon an ex parte application for the purpose, in the manner specified in Order VI.

XXVII. A writ of summons may be sued out, and other proceedings may be taken, upon a supplemental claim, in like manner as upon an original claim.

XXVIII. Guardians ad litem to defend may be appointed for infants or persons of weak or unsound mind against whom any writ of summons may have issued under these Orders, in like manner as guardians ad litem to answer and defend are now appointed in suits on bill filed.

XXIX. Any order or proceeding made, or purporting to be made, in pursuance of these Orders, may be discharged, varied, or set aside on motion; and any order for accelerating proceedings may be made by consent.

XXX. Any order of the Master of the Rolls, or of any of the Vice-Chancellors, may be discharged or varied by the Lord Chancellor on motion.

XXXI. If any of the cases enumerated in Order I. involve or are attended by such special circumstances, affecting either the estate or the personal conduct of the defendant, as to require special relief, the plaintiff is at liberty to seek his relief by bill, as if these Orders had not been made.

XXXII. If at any time after these Orders come into operation any suit for any of the purposes to which the forms set forth in Schedule (A.) are applicable shall be commenced by bill and prosecuted to a hearing in the usual course, and upon the hearing it shall appear to the Court that an order to the effect of the decree then made, or an order equally beneficial to the plaintiff, might have been

obtained upon a proceeding by summons in the manner authorised by these Orders, the Court may order that the increased costs which have been occasioned by the proceeding by bill, beyond the amount of costs which would have been sustained in the proceeding by summons, shall be borne and paid by the plaintiff.

XXXIII. The Record and Writ Clerks are directed to take the following fees :—

| | | | |
|---|---|---|---|
| 1. For filing a claim | £0 | 5 | 0 |
| 2. For sealing every writ of summons | 0 | 5 | 0 |
| 3. For filing a caveat | 0 | 2 | 6 |

For appearances, office copies, certificates, &c., the same fees as directed by the schedules of fees now in force.

The Registrars are directed to take the following fees :—

| | | | |
|---|---|---|---|
| 1. For every order on the hearing of a claim, and on further directions | 2 | 0 | 0 |
| 2. For every office copy thereof | 0 | 10 | 0 |
| 3. For every order on arguing exceptions | 1 | 0 | 0 |
| 4. For every office copy thereof | 0 | 5 | 0 |
| 5. For every order for transfer out of Court, or sale of any sum of Government stock, &c., exceeding 100*l.* stock or annuities, and for every order for payment out of Court of any annuity or annuities, or of any interest or dividends upon stock or annuities, exceeding in the whole 5*l.* per annum | 1 | 10 | 0 |
| 6. For every office copy thereof | 0 | 10 | 0 |

For every other order and office copy, the same fees as now received by the Registrars and their clerks under the schedules of fees now in force.

Solicitors are entitled to charge and be allowed the following fees :—

| | | | |
|---|---|---|---|
| For instructions to sue or defend | £0 | 6 | 8 |
| For instructions for every claim | 0 | 13 | 4 |
| For preparing and filing a claim | 2 | 2 | 0 |
| For preparing a writ of summons | 0 | 13 | 4 |
| For each writ after the first | 0 | 6 | 8 |
| For ingrossing claims and writs, per folio | 0 | 0 | 6 |
| For parchment : as paid. | | | |
| For each copy of writ to serve, per folio | 0 | 0 | 4 |
| For the brief to counsel to move for leave to file claim (exclusive of a copy of the claim for counsel and the Court) | 0 | 10 | 0 |
| For the brief and instructions to counsel, on the hearing (exclusive of any necessary copies) | 1 | 0 | 0 |
| For taking instructions to appear, and for entering appearance— | | | |
| For one or more defendants, if not exceeding three | 0 | 13 | 4 |
| If exceeding three, and not more than six, an additional sum of | 0 | 6 | 8 |
| If exceeding six, for every number not exceeding three, an additionnl sum of | 0 | 6 | 8 |
| For settling minutes, passing and entering order on hearing : the same charges as on a decretal order. | | | |
| For entering a caveat | 0 | 6 | 8 |
| For procuring certificate of no caveat | 0 | 6 | 8 |
| For term fee : as in a suit. | | | |

And also all such fees as by the present practice of the Court they are entitled to, save such as are varied or rendered unnecessary by these present Orders.

XXXIV. *These Orders shall come into operation on the 22nd day of May,* 1850.

XXXV. In these Orders and the Schedules, the following words have the several meanings, hereby assigned to them, over and above their several ordinary meanings, unless there be something in the subject or context repugnant to such construction, viz.—

1. Words importing the singular number include the plural number, and words importing the plural number include the singular number.
2. Words importing the masculine gender include females.

3. The word "affidavit" includes "affirmation" and "declaration on honour."
4. The word "person" or "party" includes "a body politic or corporate."
5. The word "legacy" includes "an annuity," and "a specific as well as a pecuniary legacy."
6. The word "legatee" includes "a person interested in a legacy.
7. The expression "residuary legatee" includes "a person interested in the residue."

---

## SCHEDULE (A.)

### Forms of Claim.

1. *By a Creditor upon the Estate of a deceased Person, seeking Payment of his Debt out the Deceased's Personal Assets.*

In Chancery,
[Lord Chancellor],
[Vice-Chancellor of England, *or* Vice-Chancellor, *naming him*],
*or*,
[Master of the Rolls].

Between A. B., Plaintiff.
E. F., Defendant.

The claim of A. B., of ——, the above-named plaintiff. The said A. B. states, that C. D., late of ——, deceased, was at the time of his death, and that his estate still is, justly indebted to him, the said A. B., in the sum of £—, for goods sold and delivered by the said A. B. to the said C. D., [*or otherwise, as the case may be; or, if the debt is secured by any written instrument, state the date and nature thereof*]; and that the said C. D. died in or about the month of ——, and that the above-named defendant, E. F., is the executor [*or administrator*] of the said C. D., and that the said debt hath not been paid; and therefore the said A. B. claims to be paid the said debt or sum of £—, with his costs of this suit; and, in default thereof, he claims to have the personal estate of the said C. D. administered in this court, on behalf of himself and all other the unsatisfied creditors of the said C. D.; and, for that purpose, that all proper directions may be given and accounts taken.

*Note.*—This form may be varied, according to the circumstances of the case, where the claimant is not the original creditor, but has become interested in or entitled to the debt; in which case the character in which he claims is to be stated.

---

2. *By a Legatee under the Will of any deceased Person, seeking Payment or Delivery of his Legacy out of the Testator's Personal Assets.*

In Chancery.
[Lord Chancellor],
[Vice-Chancellor of England, *or* Vice-Chancellor, *naming him*],
*or*,
[Master of the Rolls].

Between A. B., Plaintiff.
C. D., Defendant.

The claim of A. B., of ——, the above-named plaintiff. The said A. B. states, that he is a legatee to the amount of £—, under the will, dated the —— day of ——, of ——, late of ——, deceased, who died on the —— day of ——, and that the above-named C. D. is the executor of the said ——; and that the said legacy of £—, together with interest thereon after the rate of £— per cent. per annum from the —— day of——, [*the day mentioned in the will for the payment of the legacy, or the expiration of twelve calendar months after the said testator's death*], is now due and owing to him, the said A. B., [*or still unpaid or unsatisfied*], [*or unappropriated or unsecured*], and the said A. B. therefore claims to be paid [*or satisfied*] the said legacy and interest, [*or to have the said legacy and interest appropriated and secured*]; and, in default thereof, he claims to have the

personal estate of the said —— administered in this court, on behalf of himself and all other the legatees of the said ——; and, for that purpose, that all proper directions may be given and accounts taken.

*Note.*—This form may be varied, according to the circumstances of the case, where the legacy is an annuity, or specific, or where the plaintiff is not the legatee, but has become entitled to or interested in the legacy; in which case the character in which the plaintiff claims is to be stated.

---

3. *By a Residuary Legatee, or any of the several Residuary Legatees, of any deceased Person, seeking an account of the Residue, and Payment or Appropriation of his Share therein.*

In Chancery.
[Lord Chancellor],
[Vice-Chancellor of England, *or* Vice-Chancellor, *naming him*],
*or*,
[Master of the Rolls].

Between A. B., Plaintiff.
C. D., Defendant.

The claim of A. B., of ——, the above-named plaintiff. The said A. B. states, that he is the residuary legatee [*or one of the residuary legatees*] under the will, dated the —— day of ——, of——, late of ——, who died on the —— day of ——, and that the above-named defendant, C. D., is the executor of the said ——, and that the said C. D. hath not paid to the said A. B. the [*or his share of the*] residuary personal estate of the said testator; the said A. B. therefore claims to have the personal estate of the said —— administered in this court, and to have his costs of this suit; and for that purpose, that all proper directions may be given and accounts taken.

*Note.*—This form may be varied, according to the circumstances of the case, where the plaintiff is not the residuary legatee, but has become entitled to or interested in the residue; in which case the character in which he claims is to be stated.

---

4. *By the Person or any of the Persons entitled to the Personal Estate of any Person who may have died intestate, and seeking an Account of such Personal Estate, and Payment of his Share thereof.*

In Chancery.
[Lord Chancellor],
[Vice-Chancellor of England, *or* Vice-Chancellor, *naming him*],
*or*,
[Master of the Rolls].

Between A. B., Plaintiff.
C. D., Defendant.

The claim of A. B., of ——, the above-named plaintiff. The said A. B. states, that he is the next of kin, [*or one of the next of kin*], according to the statutes for the distribution of the personal estate of intestates, of ——, late of ——, who died on the —— day of ——, intestate; and that the said A. B. is entitled to [*or to a share of*] the personal estate of the said ——, deceased; and that the said defendant C. D., is the administrator of the personal estate of the said ——, and that the said C. D. has not accounted for or paid to the said A. B. the [*or the said A. B.'s share of the*] personal estate of the said intestate; the said A. B. therefore claims to have the personal estate of the said —— administered in this court, and to have his costs of this suit; and, for that purpose, that all proper directions may be given and accounts taken.

---

5. *By the Executor or Administrator of a deceased Person, claiming to have the Personal Estate of the Testator administered under the Direction of the Court.*

In Chancery.
[Lord Chancellor],
[Vice Chancellor of England, *or* Vice-Chancellor, *naming him*],
*or*,
[Master of the Rolls].

Between A. B., Plaintiff.
C. D., Defendant.

The claim of A. B., of ——. The said A. B. states, that he is the executor [*or administrator*] of E. F., late of ——, but now deceased, who departed this life on or about —— ; and that he hath possessed the personal estate of the said E. F. to some amount, and that he is willing and desirous to account for the same, and that the whole of the personal estate of the said E. F. should be duly administered in this court for the benefit of all persons interested therein or entitled thereto ; and that C. D. is interested in the said personal estate as one of the next of kin [*or residuary legatee*] of the said E. F., and the said A. B. claims to have the personal estate of the said E. F. applied in a due course of administration under the direction of this Court, and in the presence of the said C. D. and such other persons interested in the said estate as this Court may be pleased to direct, or that the said C. D. may shew good cause to the contrary ; and that the costs of this suit may be provided for ; and, for these purposes, that all proper directions may be given and accounts taken.

—

6. *By a Legal or Equitable Mortgagee or Person entitled to a Lien as Security for a Debt, seeking Foreclosure or Sale, or otherwise to enforce his Security.*

In Chancery.
[Lord Chancellor],
[Vice-Chancellor of England, *or* Vice-Chancellor, *naming him*],
*or*,
[Master of the Rolls].

Between A. B., Plaintiff.
C. D., Defendant.

The claim of A. B., of ——, the above-named plaintiff. The said A. B. states, that under or by virtue of an indenture, [*or other document*], dated the —— day of ——, and made between [*parties*], [*and a transfer thereof made by indenture dated the —— day of ——, and made between* [*parties*],] the said A. B. is a mortgagee [*or an equitable mortgagee*] of [*or is entitled to a lien upon*] certain freehold property [*or copyhold, or leasehold, or other property, as the case may be*] therein comprised, for securing the sum £— and interest, and that the time for payment thereof has elapsed ; and that the above-named C. D. is entitled to the equity of redemption of the same mortgaged premises, [*or the premises subject to such lien*] ; and the said A. B. therefore claims to be paid the said sum of £— and interest, and the costs of this suit ; and, in default thereof, he claims to foreclose the equity of redemption of the said mortgaged premises, [*or to have the said mortgaged premises sold, or to have the premises subject to such lien sold, as the case may be*], and the produce thereof applied in or towards payment of his said debt and costs ; and for that purpose to have all proper directions given and accounts taken.

—

7. *By a Person entitled to the Redemption of any Legal or Equitable Mortgage, or any Lien, seeking to redeem the same.*

In Chancery.
[Lord Chancellor],
[Vice-Chancellor of England, *or* Vice-Chancellor, *naming him*],
*or*,
[Master of the Rolls].

Between A. B., Plaintiff.
C. D. Defendant.

The claim of A. B., of ——, the above-named plaintiff. The said A. B. states, that under or by virtue of an indenture, [*or other document*], dated the —— day of ——, and made between [*parties*], [*and the assurances hereinafter mentioned, that is to say, an indenture, dated the —— day of ——, the will of ——, dated the —— day of ——*], the said A. B. is entitled to the equity of redemption of certain freehold property [*or copyhold, or leasehold, or other property as the case may be*] therein comprised, which was originally mortgaged [*or pledged*] for securing the sum of £— and interest; and that the above-named defendant, C. D., is now, by virtue of the said indenture, dated the —— day of ——, [*and of subsequent assurances*], the mortgagee of the said property, [*or holder of the said lien*], and entitled to the principal money and interest remaining due upon the said mortgage, [*or lien*]; and he believes that the amount of principal money and interest now due upon the said mortgage [*or lien*] is the sum of £—, or thereabouts; and that the said A. B. hath made, or caused to be made, an application to the said C. D. to receive the said sum of £—, and any costs justly payable to him, and to reconvey to the said A. B. the said mortgaged property, [*or property subject to the said lien*], upon payment thereof, and of any costs due to him in respect of the said security, but that the said C. D. has not so done; and therefore the said A. B. claims to be entitled to redeem the said mortgaged property, [*or property subject to the said lien*], and to have the same reconveyed [*or delivered up*] to him, upon payment of the principal money and interest, and costs due and owing upon the said mortgage, [*or lien*]; and, for that purpose, to have all proper directions given and accounts taken.

——

8. *By a Person entitled to the specific Performance of an Agreement for the Sale or Purchase of any Property, seeking such specific Performance.*

In Chancery.
[Lord Chancellor],
[Vice-Chancellor of England, *or* Vice-Chancellor, *naming him*],
*or*,
[Master of the Rolls].

Between A. B., Plaintiff.
C. D., Defendant.

The claim of A. B., of ——, the above-named plaintiff. The said A. B. states, that by an agreement, dated the —— day of ——, and signed by the above-named defendant, C. D., he, the said C. D., contracted to buy of him [*or to sell to him*] certain freehold property [*or copyhold, leasehold, or other property, as the case may be*] therein described or referred to, for the sum of £—; and that he has made, or caused to be made, an application to the said C. D. specifically to perform the said agreement on his part, but that he has not done so; and the said A. B. therefore claims to be entitled to a specific performance of the said agreement, and to have his costs of this suit; and, for that purpose, to have all proper directions given; and he hereby offers specifically to perform the same on his part.

——

9. *By a Person entitled to an Account of the Dealings and Transactions of a Partnership, dissolved or expired, seeking such Account.*

In Chancery.
[Lord Chancellor],
[Vice-Chancellor of England, *or* Vice-Chancellor, *naming him*],
*or*,
[Master of the Rolls].

Between A. B., Plaintiff.
C. D., Defendant.

The claim of A. B, of ——, the above-named plaintiff. The said A. B. states, that from the —— day of ——, down to the —— day of ——, he and the above-named C. D. carried on the business of —— in copartnership, under certain articles of copartnership, dated the —— day of ——, and made between [*parties*], [*or without articles, as the case may be*] ; and he saith that the said partnership was dissolved [*or expired, as the case may be*] on the —— day of ——, and he claims an account of the partnership dealings and transactions between him and the said C. D., and to have the affairs and business of the said partnership wound up and settled under the direction of this court ; and, for that purpose, that all proper directions may be given and accounts taken.

---

10. *By a Person entitled to an equitable Estate or Interest, and claiming to use the Name of his Trustee in prosecuting an Action for his own sole Benefit.*

In Chancery.
[Lord Chancellor],
[Vice-Chancellor of England, *or* Vice-Chancellor, *naming him*],
*or*,
[Master of the Rolls].

Between A. B., Plaintiff.
C. D., Defendant.

The claim of A. B., of ——, the above-named plaintiff. The said A. B. states, that under an indenture, dated the —— day of ——, and made between [*parties*], he is entitled to an equitable estate or interest in certain property therein described or referred to, and that the above-named defendant is a trustee for him of such property ; and that, being desirous to prosecute an action at law against —— in respect of such property, he has made, or caused to be made, an application to the said defendant to allow him to bring such action in his name, and has offered to indemnify him against the costs of such action, but that the said defendant has refused or neglected to allow his name to be used for that purpose ; and the said A. B. therefore claims to be allowed to prosecute the said action in the name of the said defendant, and hereby offers to indemnify him against the costs of such action.

---

11. *By a Person entitled to have a new Trustee appointed in a Case where there is no power in the Instrument creating the Trust to appoint new Trustees, or where the Power cannot be exercised, and seeking to appoint a new Trustee.*

In Chancery.
[Lord Chancellor],
[Vice-Chancellor of England, *or* Vice-Chancellor, *naming him*],
*or*,
[Master of the Rolls].

Between A. B., Plaintiff.
C. D., Defendant.

The claim of A. B., of ——, the above-named plaintiff. The said A. B. states, that under an indenture, dated —— day of, and made between [*parties*], [*or will of* ——, *or other document, as the case may be*], he, the said A. B., is interested in certain trust property therein mentioned or referred to, and that the above-named defendant C. D. is the present trustee of such property, [*or is the*

*real or personal representative of the last surviving trustee of such property, as the case may be*]; and that there is no power in the said indenture [*or will or other document*] to appoint new trustees, [*or that the power in the said indenture* [*or other document*] *to appoint new trustees cannot be executed*]; and the said A. B. therefore claims to have new trustees appointed of the said trust property, in the place of [*or to act in conjunction with*] the said C. D.

---

12. *By a Party entitled to revive or to carry on a Suit, and seeking to revive or carry on the Suit.*

In Chancery.

[*As in original claim.*]

[Lord Chancellor],
[Vice-Chancellor of England, *or* Vice-Chancellor, *naming him*],
*or*,
[Master of the Rolls].

Between A. B., Plaintiff,
and
C. D., Defendant;
and
Between G. H., Plaintiff,
and
K. L., Defendant.

[*Title of this claim.*]

The claim of G. H., of ——, the above-named plaintiff. The said G. H. states, that the said A. B. filed his claim in this suit on or about ——; that on or about —— the said A. B. died, [*or became bankrupt or insolvent*]; that the said suit, and all proceedings thereunder, have thereby become abated, [*or defective*]; that the said G. H. has become and is the executor [*or administrator, or the assignee of the estate and effects*] of the said A. B., and he claims to be entitled to revive the said suit and proceedings, [*or to be entitled to carry on the said suit and proceedings*], and to have all such relief as the said A. B. would have been entitled to if he had lived, [*or had not become bankrupt or insolvent*]; or that the said C. D. ought to shew good cause to the contrary.

*Note.*—This form may be applied to any case to which Order XXI. applies, and may be varied, according to the circumstances of each case.

---

## SCHEDULE (B.) No 1.

*Form of Writ of Summons on Claim.*

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, to C. D. greeting. Whereas A. B. hath caused to be filed with the Record and Writ Clerks of our High Court of Chancery a claim as follows: [*claim to be set forth verbatim*]: therefore we command you, [*and every of you, where there is more than one defendant*], that within eight days after the service of this writ on you, exclusive of the day of such service, laying all excuses and other matters aside, you do cause an appearance to this writ to be entered for you in our High Court of Chancery; and further, that on the fourteenth day after the service of this writ, or on the seal or motion day then next following, you do, personally or by your counsel, appear in the court of our Lord Chancellor, before the Vice-Chancellor of England, [*or the Vice-Chancellor, naming him*], [*or in the court of our Master of the Rolls*], at ten of the clock in the forenoon, and then and there shew cause, if you can, why the said A. B. should not have such relief against you as is claimed by the said claim, or why such order as shall be just, with reference to the claim, should not be made; and hereof fail not at your peril. Witness ourself, at Westminster, the —— day of ——, in the —— year of our reign.

[*The following memorandum to be placed at the foot.*]

Appearance to be entered at the Record and Writ Clerk's Office in Chancery-lane, London; and if you neglect to enter your appearance, and either per-

sonally or by your counsel to appear in the High Court of Chancery, at the place and on the day and hour above mentioned, you will be subject to such order as the Court may think fit to make against you in your absence, for payment or satisfaction of the said claim, or as the nature and circumstances of the case may require.

---

SCHEDULE (B.) No. 2.

Victoria, &c., to ——, greeting.

Whereas A. B., of ——, hath caused to be filed a claim against C. D., claiming &c. [*set forth only the claim, without the introductory statement*]: and whereas, by an order made in the said cause, dated the —— day of ——, it was ordered ——: and whereas Mr. ——, the Master to whom the said order stands referred, hath, by his certificate, dated the —— day of ——, certified to us, that you ought to be a party to the said cause, and to be served with a writ of summons therein: therefore we command you, that within eight days after service of this writ on you, exclusive of the day of such service, you do cause an appearance to be entered for you in our High Court of Chancery, and that you do attend the proceedings in the said cause as a party defendant thereto, and do and observe such things as are by our said Court ordered and directed in the said cause; and herein fail not. Witness, &c.

[*The following memorandum to be placed at the foot.*]

Appearance to be entered at the Record and Writ Clerks' Office, Chancery-lane, London; and if you neglect to appear, the proceedings will be carried on without further notice to you.

---

SCHEDULE (B.) No. 3.

Victoria, &c. to ——, greeting.

Whereas A. B., of ——, hath caused to be filed a claim against C. D., claiming &c. [*set forth the claim verbatim*]: and whereas the said A. B. hath departed this life, [*or become bankrupt*], [*or as the case may be*], whereby the said suit hath become abated, [*or defective*], and G. H. is now the legal personal representative [*or assignee*] of the said A. B., and as such claims to be entitled to revive [*or carry on*] the said suit: therefore we command you, the said C. D., that within eight days after the service of this writ on you, exclusive of the day of such service, you do cause an appearance to be entered for you in our High Court of Chancery; and further, that within sixteen days after such service, you do shew good cause, if you can, why the suit, and all proceedings thereunder, should not be revived against you, and be in the same plight and condition as the same were in at the time of the said abatement thereof, [*or why the suit and proceedings should not be carried on against you as claimed*]. Witness, &c.

[*The following memorandum to be placed at the foot.*

Appearance to be entered at the Record and Writ Clerks' Office, in Chancery-lane, London; and if you desire to shew cause, you are to enter a caveat at the same office within the time limited, otherwise the suit will stand revived, or may be carried on, without further order.

---

SCHEDULE (B.) No. 4.

*Form of Caveat against Revivor.*

Between A. B., Plaintiff.
C. D., Defendant.
And between G. H., Plaintiff.
K. L., Defendant.

The said K. L. objects to the suit in the plaintiff's claim mentioned being revived [*or carried on*] against him in the manner claimed by the plaintiff.

## SCHEDULE (C.)

1. *Form of Order for Payment of a Debt or Legacy.*

In Chancery.
[Lord Chancellor],
[Vice-Chancellor of England, *or* Vice-Chancellor, *naming him*],
*or*,
[Master of the Rolls].

*Date.*

Between A. B., Plaintiff.
C. D., Defendant.

Upon motion this day made unto this Court by Mr. ——, of counsel for the plaintiff, and upon hearing Mr. ——, of counsel for the defendant, [*or upon reading a certificate of an appearance having been entered by the defendant*], [*or upon hearing an affidavit of service upon the defendant of the writ of summons issued in this cause*], and upon reading the claim filed in this cause on the —— day of ——, [*and an affidavit of* ——, *filed in this cause*], [*or the defendant by his counsel admitting assets of the testator or intestate in the said claim named*], this Court doth order that the defendant do, within a month after service upon him of this order, pay to the plaintiff the sum of £—, together with interest thereon at the rate of £— per cent. per annum, from the —— day of —— to the time of such payment, together with the costs of this suit, to be taxed by the Taxing Master in rotation.

2. *Form of Order on Executor or Administrator to account, on Claim by a Creditor of Testator or Intestate.*

In Chancery.
[Lord Chancellor],
[Vice-Chancellor of England, *or* Vice-Chancellor, *naming him*],
*or*,
[Master of the Rolls.]

*Date.*

Between A. B., Plaintiff.
C. D., Defendant.

Upon motion &c., [*as in Form No.* 1], this Court doth declare that all persons who are creditors of the said testator or intestate are entitled to the benefit of this order: and it is ordered, that it be referred to the Master of this Court in rotation to take an account of what is due to the plaintiff, and all other the creditors of ——, deceased, the testator [*or intestate*] in the plaintiff's claim named, and of his funeral expenses: and it is ordered, that the Master do take an account of the personal estate of the said testator [*or intestate*] come to the hands of the said defendant, his executor, [*or administrator*], or to the hands of any other person or persons by his order or for his use: and it is ordered, that the said testator's [*or intestate's*] personal estate be applied in payment of his debts and funeral expenses in a due course of administration: and this Court doth reserve the consideration of all further directions, and of the course of this suit, until after the said Master shall have made his report.

3. *Form of Order to account, on Claim by a Legatee.*

In Chancery.
[Lord Chancellor],
Vice-Chancellor of England, *or* Vice-Chancellor, *naming him*],
*or*,
[Master of the Rolls].

*Date.*

Between A. B., a legatee of ——, deceased . . } Plaintiff.
C. D. . . . . Defendant.

Upon motion &c., [*as in Form No.* 1], this Court doth declare that all persons who are legatees of the said testator are entitled to the benefit of this order: and

it is ordered, that it be referred to the Master of this court in rotation to take an account of the personal estate not specifically bequeathed of ——, deceased, the testator in the plaintiff's claim named, come to the hands of the defendant, or to the hands of any other person or persons by his order or for his use : and it is ordered, that the said Master do take an account of the said testator's debts, funeral expenses, and of the legacies given by his will : and it is ordered, that the said testator's said personal estate be applied in payment of his funeral expenses and debts in a due course of administration, and then in payment of his legacies : and this Court doth reserve the consideration of all further directions, and of the costs of this suit, until after the said Master shall have made his report.

---

4. *Form of Order to account, on Claim by a Residuary Legatee, or one of several Residuary Legatees.*

In Chancery.
[Lord Chancellor],
[Vice-Chancellor of England, *or* Vice-Chancellor, *naming him*],
*or*,
[Master of the Rolls].

*Date.*

Between A. B., a residuary legatee of ——, deceased } Plaintiff.
C. D. . . . . Defendant.

Upon motion, &c., [*as in Form No.* 1], this Court doth declare that all the residuary legatees named or described in the will of ——, deceased, the testator named in the plaintiff's claim, are entitled to the benefit of this order, and to attend the proceedings under the same before the Master; and it is referred to the Master to inquire and state to the Court who were the residuary legatees of the testator living at the time of his death, and whether any of them are since dead, and if dead, who is or are their legal personal representative or representatives; and if the Master shall find that all such residuary legatees, or their legal personal representatives, have been duly served with writs of summons, he is to proceed to take an account &c., [*as in No.* 3, *to the end.*]

---

5. *Form of Order to account, on Claim by the next of Kin, or one of the next of Kin, of an Intestate.*

In Chancery.
[Lord Chancellor],
[Vice-Chancellor of England, *or* Vice-Chancellor, *naming him*],
*or*,
[Master of the Rolls].

*Date.*

Between A. B., Plaintiff.
C. D., Defendant.

Upon motion &c. [*as in Form No.* 1], this Court doth declare that all the next of kin, according to the Statutes of Distribution, of ——, the intestate named in the plaintiff's claim, are entitled to the benefit of this order, and to attend the proceedings before the Master under the same; and it is referred to the Master of this court in rotation to inquire and state to the Court who were the next of kin, according to the Statutes of Distribution of the said ——, living at the time of his decease, and whether any of them are since dead, and if dead, who is or are their legal personal representative or representatives; and if the said Master shall find that such next of kin have been duly served with writs of summons to attend the proceedings before him under this order, then it is

ordered, that it be referred to the said Master to take an account of the said intestate's personal estate, [*usual accounts of personal estate, debts, and funeral expenses, &c., as in form No.* 3.]

---

6. *Form of Order for Account of Personal Estate of a deceased Person, on the Claim of the Executor or Administrator.*

In Chancery.
[Lord Chancellor],
[Vice-Chancellor of England, *or* Vice-Chancellor, *naming him*],
*or*,
[Master of the Rolls].

*Date.*

Between A. B., Plaintiff.
C. D., Defendant.

Upon motion &c., [*as in Form No.* 1], this Court doth declare, that all persons interested in the personal estate of the said testator [*or intestate*] are entitled to the benefit of this order: and it is ordered, that it be referred to the Master to take an account of the testator's [*or intestate's*] personal estate possessed by the plaintiff, or by any other person by his order or for his use, and also to take an account of the testator's [*or intestate's*] funeral expenses, debts, and legacies: and it is ordered, that such personal estate be applied in a due course of administration in payment of such funeral expenses, debts, and legacies: and any further directions which be necessary are hereby reserved, &c.

---

7. *Form of Order of Foreclosure, on Claim by a Legal or Equitable Mortgagee.*

In Chancery.
[Lord Chancellor],
[Vice-Chancellor of England, *or* Vice-Chancellor, *naming him*],
*or*
[Master of the Rolls].

*Date.*

Between A. B., Plaintiff.
C. D., Defendant.

Upon motion, &c., [*as in Form No.* 1], this Court doth order, that it be referred to the Master of this Court in rotation to take an account of what is due to the plaintiff for principal and interest on the mortgage [*or equitable mortgage*] in the plaintiff's claim mentioned: and it is ordered, that it be referred to the Taxing Master in rotation to tax the plaintiff his costs of this suit: and upon the defendant paying to the plaintiff what shall be reported due to him for principal and interest as aforesaid, together with the said costs when taxed, within six months after the said Master shall have made his report, at such time and place as the said Master shall appoint, it is ordered, that the plaintiff [*do reconvey the mortgaged premises in the plaintiff's affidavit of claim mentioned, free and clear of all incumbrances done by him, or any claiming by, from or under him, and*] do deliver up all deeds and writings in his custody or power relating thereto, upon oath to the said defendant, or to whom he shall appoint; but in default of the defendant paying to the plaintiff such principal, interest, and costs as aforesaid by the time aforesaid, it is ordered, that the defendant [*do stand absolutely debarred and foreclosed of and from all equity of redemption of, in, and to the said mortgaged premises*] do convey to the plaintiff the premises comprised in the equitable mortgage in the plaintiff's affidavit of claim mentioned, free and clear of all right, title, interest, equity, and redemption of, in, and to the said premises; and the Master is to settle the conveyance, if the parties differ about the same.

8. *Form of Order of Sale, on Claim by a Legal or Equitable Mortgagee or Person entitled to a Lien.*

In Chancery.
[Lord Chancellor],
[Vice-Chancellor of England, *or* Vice-Chancellor, *naming him*],
*or*,
[Master of the Rolls].

*Date.*

Between A. B., Plaintiff.
C. D., Defendant.

Upon motion &c., [*as in Form No.* 1], this Court doth order that it be referred to the Master of this court in rotation to take an account of what is due to the plaintiff for principal and interest on the mortgage [*or equitable mortgage or lien*] in the plaintiff's claim mentioned: and it is ordered, that it be referred to the Taxing Master in rotation to tax the plaintiff his costs of this suit: and upon the defendant paying to the plaintiff what shall be reported due to him for principal and interest as aforesaid, together with the said costs, within six months after the said Master shall have made his report, at such time and place as the said Master shall appoint, it is ordered, that the plaintiff [*do reconvey the mortgaged premises in the plaintiff's affidavit of claim mentioned, free and clear of all incumbrances done by him, or any claiming by, from, or under him, and*] do deliver up all deeds and writings in his custody or power relating thereto, upon oath, to the defendant, or to whom he shall appoint; but in default of the defendant paying to the plaintiff such principal, interest, and costs as aforesaid by the time aforesaid, then it is ordered, that the said mortgaged premises [*or the premises subject to the said equitable mortgaged or lien*] be sold, with the approbation of the said Master: and it is ordered, that the money to arise by such sale be paid into court, to the end that the same may be duly applied in payment of what shall be found due to the plaintiff for principal, interest, and costs as aforesaid: and this Court doth reserve the consideration of all further directions until after the said Master shall have made his report.

---

9. *Form of an Order for Redemption, on Claim by Persons entitled to redeem.*

In Chancery.
[Lord Chancellor],
[Vice-Chancellor of England, *or* Vice-Chancellor, *naming him*],
*or*,
[Master of the Rolls].

*Date.*

Between A. B., Plaintiff.
C. D., Defendant.

Upon motion &c., [*as in Form No.* 1], this Court doth order, that it be referred to the Master in rotation to take an account of what is due to the defendant for principal and interest on his mortage [*or equitable mortage or lien*] in the plaintiff's claim mentioned: and it is ordered, that it be referred to the Taxing Master in rotation to tax the defendant his costs of this suit: and upon the plaintiff paying to the defendant what shall be reported due to him for principal and interest, together with such costs, when taxed, within six months after the said Master shall have made his report, at such time and place as the said Master shall appoint, this Court doth order, that the defendant do reconvey the mortgaged premises [*or deliver up possession of the property subject to the equitable mortgage or lien*] in the plaintiff's claim mentioned, free and clear from all incumbrances done by him, or any claiming by, from, or under him, and to deliver up all deeds and writings in his custody or power relating thereto, upon oath, to the plaintiff, or to whom he shall appoint; but in default the plaintiff's said claim is to stand dismissed out of this court, with costs, to be taxed by the said Taxing Master, and to be paid by the plaintiff to the defendant.

10. *Form of Order of Reference of Title, on Claim of Persons seeking specific Performance.*

In Chancery.
[Lord Chancellor],
[Vice-Chancellor of England *or* Vice-Chancellor, *naming him*],
*or*,
[Master of the Rolls].

*Date.*

Between A. B., Plaintiff.
C. D., Defendant.

Upon motion &c., [*as in Form No.* 1], this Court doth order, that it be referred to the Master of this court in rotation to inquire whether a good title can be made to the property comprised in the agreement in the said plaintiff's claim mentioned; and in case the said Master shall be of opinion that a good title can be made, it is ordered, that he do state at what time it was first shewn that such good title could be made: and this Court doth reserve the consideration of all further directions, and of the costs of this suit, until after the said Master shall have made his report.

---

11. *Form of Order for an Account of Partnership Dealings and Transactions on Claim of Persons entitled to the Account.*

In Chancery.
[Lord Chancellor],
[Vice-Chancellor of England, *or* Vice-Chancellor, *naming him*],
*or*,
[Master of the Rolls].

*Date.*

Between A. B., Plaintiff.
C. D., Defendant.

Upon motion &c., [*as in Form No.* 1], this Court doth order, that it be referred to the Master of this court in rotation to take an account of the partnership dealings and transactions between the plaintiff and the defendant from the —— day of ——: and it is ordered, that what, upon taking the said account, shall be found due from either of the said parties to the other of them, be paid by the party from whom, to the party to whom, the same shall be found due: and this Court doth reserve the consideration of all further directions, and of the costs of this suit, until after the said Master shall have made his report.

---

12. *Form of an Order, on Claim by a Person claiming to use the Name of his Trustee.*

In Chancery.
[Lord Chancellor],
[Vice-Chancellor of England, *or* Vice-Chancellor *naming him*],
*or*,
[Master of the Rolls].

*Date.*

Between A. B., Plaintiff,
C. D., Defendant.

Upon motion, &c., [*as in Form No.* 1], this Court doth order, that the plaintiff be at liberty to use the name of the defendant in prosecuting the action at law in the plaintiff's claim mentioned, on indemnifying the defendant against the costs of such action; and it is ordered, that it be referred to the Master of this court in rotation to settle the indemnity to be given by the plaintiff to the defendant, in case the parties differ about the same.

13. *Form of Order, on Claim for the Appointment of new Trustees.*

In Chancery.
[Lord Chancellor],
Vice-Chancellor of England, *or* Vice-Chancellor, *naming him*],
*or*,
[Master of the Rolls].

*Date.*

Between A. B., Plaintiff,
C. D., Defendant.

Upon motion &c.,, [*as in Form No.* 1], this Court doth order, that it be referred to the Master of this court in rotation to appoint —— proper persons to be new trustees under the indenture [*or will or other instrument*] in the plaintiff's claim mentioned, in the place of [*or to act in conjunction with*] the defendant: and it is ordered, that the defendant do convey [*assign or transfer*] the trust fund or property [*referring to it*] to such new trustees, [*or so as to vest the same in such new trustees jointly with himself*], upon the trusts of the said indenture, [*or will or other document*], or such of them as are now subsisting and capable of taking effect, and they are to declare the trust thereof accordingly, such conveyance [*or assignment*] to be settled by the said Master, in case the parties differ about the same : *and it is ordered, that the defendant do deliver over to such new trustees all deeds and writings in his custody or power relating to the said trust property*].

COTTENHAM, C.
LANGDALE, M. R.
LANCELOT SHADWELL, V. C. E.
J. L. KNIGHT BRUCE, V. C.
JAMES WIGRAM, V. C.

---

POSTSCRIPT.—The New Orders of April 22, 1850, came into operation on the first day of this Term; and the following extract from "The Times," shews that conflicting opinions already exist amongst the Equity Judges, as regards the construction to be put upon some of the clauses.

"VICE-CHANCELLOR'S COURT, May 23rd, 1850. (Before Sir J. K. Bruce.) THE NEW ORDERS.—In reference to a case brought under the notice of the Court, in which a Special Order was asked for leave to file 'a Claim,' his Honor took occasion to say that the New Orders ought to receive a liberal construction. His Honor also stated, that he had been informed that 'Claims,' under the New Orders, had been held by two Judges of the Court not to require the signature of Counsel. With deference to those learned Judges, his Honor thought otherwise; but as the point was not then before him, he must not be considered as giving any judicial opinion on the point. He respectfully differed from the opinion, without judicially deciding it."—*The Times*, May 24th, 1850.

On the 3rd of June, 1850, another set of "New Orders" were issued, (See Appendix, pp. 55, 56), but it must be quite evident to any person who has considered the subject, that, as we have before observed, "satisfactory Chancery Reform cannot be effectuated by such means alone."

A VOICE FROM LINCOLN'S INN.

*Trinity Term*, 1850.

# APPENDIX.—NEW CHANCERY ORDERS.

## ISSUED, JUNE 3, 1850.

THE Right Hon. CHARLES CHRISTOPHER LORD COTTENHAM, Lord High Chancellor of Great Britain, by and with the advice and assistance of the Right Hon. HENRY LORD LANGDALE, Master of the Rolls, the Right Hon. SIR LANCELOT SHADWELL, Vice-Chancellor of England, the Right Hon. the Vice-Chancellor Sir JAMES LEWIS KNIGHT BRUCE, and the Right Hon. the Vice-Chancellor Sir JAMES WIGRAM, doth hereby, in pursuance of an Act of Parliament passed in the fourth year of the reign of her present Majesty, intituled "An Act for facilitating the Administration of Justice in the Court of Chancery," and of an Act passed in the fifth year of the reign of her present Majesty, intituled "An Act to amend an Act of the Fourth Year of the Reign of her present Majesty, intituled 'An Act for facilitating the Administration of Justice in the Court of Chancery,'" and of an Act passed in the eighth and ninth years of the reign of her present Majesty, intituled "An Act for amending certain Acts of the Fourth and Fifth Years of the Reign of her Majesty, for facilitating the Administration of Justice in the Court of Chancery, and for providing for the Discharge of the Duties of the Subpœna-office after Death, Resignation, or Removal of the present Patentee of that Office," and in pursuance and execution of all other powers enabling him in that behalf, ORDER and DIRECT, that all and every the rules, orders, and directions hereinafter set forth shall henceforth be, and for all purposes be deemed and taken to be, GENERAL ORDERS AND RULES OF THE HIGH COURT OF CHANCERY, viz.:—

I. Every decree or order of reference is to be brought into the Master's office, by the party having the carriage thereof, within ten days after the same shall have been passed and entered; and in default thereof, any other party to the cause or matter is to be at liberty to bring in the same, and such party shall have the carriage of the proceedings under such decree or order, unless the Master shall otherwise specially direct.

II. If upon the warrant taken out for considering the decree or order of reference, or at any time during the reference, it shall appear to the Master, with respect to the whole or any portion of the proceedings, that the interests of the parties can be classified, he is to be at liberty to require the persons constituting each or any class to be represented by the same solicitor; and if the parties constituting such class cannot agree upon the solicitor to represent them, the Master is to be at liberty to nominate such solicitor for the purpose of the proceedings before him; and if any of the parties constituting such class shall decline to authorise the solicitor so nominated to act for him, and shall insist upon being represented by a different solicitor, such party shall personally pay the costs of his own solicitor of and relating to the proceedings before the Master with respect to which such nomination shall have been made, and all such further costs as shall be occasioned to any of the parties by his being represented by a different solicitor from the solicitor so to be nominated.

III. The arrangement and regulation of the course of proceedings under each reference are to be wholly subject to the control and direction of the Master; and the Master is to proceed with the reference made to him as speedily as the nature thereof and the business of the office will allow.

IV. The duration of warrants to proceed upon any reference before the Master, is not to be limited to an hour, or any other period of time; and the proceedings upon any warrant are, as far as possible, to be continued consecutively from hour to hour, and from day to day, until the same shall be completed, but not so as to cause unreasonable delay in other causes or matters depending before the Master; and the Master shall therefore be at liberty to adjourn the further hearing of any matter or thing before him to such future day as he shall think fit; and on every such adjournment the parties shall be obliged to attend without a further warrant, unless the Master shall otherwise direct.

V. The Master shall give priority, as far as may be, to exceptions for insufficiency, impertinence, and scandal, and to matters and applications under the 3 & 4 Will. 4, c. 94, s. 13, and the orders made in pursuance thereof, and to any other matters or applications requiring immediate despatch.

VI. The Master's power to proceed *ex parte*, in case of the non-attendance

of any party on any warrant, shall extend to the case of his non-attendance upon any adjournment of any warrant.

VII. The Master's power to award costs, in case of the non-attendance of any party upon any warrant, is to extend to the case of his non-attendance upon any adjournment of any warrant to a fixed time.

VIII. In all cases when a proceeding has been unduly delayed, by reason of the neglect of any party or his solicitor, the Master shall, in the first report which he shall make on the subject-matter in respect of which such proceeding has been unduly delayed, state specially to the Court the circumstances of such delay, in order that the Court may, if it shall so think fit, in addition to and notwithstanding any costs which the Master may have certified to be paid in the course of the proceedings before him, make such further order in respect thereof as justice shall require.

IX. If it shall appear to the Master that any state of facts, affidavit, or other proceeding before him contains statements which are impertinent, or of unnecessary length, he shall be at liberty (without any application made to him for the purpose) to disallow such matter, distinguishing by his initials in the margin the parts so disallowed; and he shall cause a memorandum of his having disallowed such impertinent matter to be endorsed on the office copies of the draft of his report, as to the particular inquiry on which such state of facts, affidavit, or other proceeding shall have been used before him; and in the taxation of costs, no costs shall be allowed to the parties by or on whose behalf such state of facts, affidavit, or other proceeding was brought into the Master's office, for or in respect of the matter so disallowed, and the Taxing Master shall allow to the other parties to the suit or matter all such costs as have been incurred by or occasioned to them by reason of the matter so disallowed; and such costs shall be paid by the party by or on whose behalf such state of facts, affidavit, or other proceeding was so brought in.

X. In all proceedings before the Master, where he is attended by counsel, the allowances on the taxation of costs in respect of the fees to such counsel are to be regulated upon the same principle as if the proceedings were before the Court.

XI. The costs of procuring the attendance of counsel before the Master are to be allowed in the taxation of costs as between party and party, in all cases in which the Master shall certify such attendance to be proper, and in no other case.

XII. In case of the absence, from illness or otherwise, of any Master to whom any cause or matter is referred, any other Master may, with his concurrence, act in the place of the Master so for the time being absent; but any order or other proceeding to be made or had by or before such Master so acting is to be entered as made or had by or before him for or in the place of the Master to whom the reference is made.

XIII. The Masters are forthwith and from time to time to meet and consider such additional orders or regulations as may appear to them, or the majority of them, calculated to expedite and facilitate the satisfactory transaction of the business of the suitors in their offices, and to report such additional orders or regulations to the Lord Chancellor, to the end that, if the same should be approved by him, proper steps may be taken for such additional orders or regulations being adopted and duly made general rules and orders of the Court.

XIV. The Registrars are forthwith and from time to time to meet and consider such orders or regulations as may appear to them, or the majority of them, calculated to expedite and facilitate the satisfactory transaction of the business of the suitors in their office, and to report such orders or regulations to the Lord Chancellor, to the end that, if the same be approved by him, proper steps may be taken for such orders or regulations being adopted and duly made general rules and orders of tne Court.

XV. That this Order be drawn up and entered by the Registrar of the said Court.

(Signed) Cottenham, C.
Langdale, M.R.
Lancelot Shadwell, V.C.E.
J. L. Knight Bruce, V.C.
James Wigram, V.C.

Printed by C. F. Hodgson, 1 Gough Square, Fleet Street, London.

Dr Perceval
96-3

# REGINA versus CONWAY.

## SPEECH

OF

## JAMES WHITESIDE, ESQ. Q.C.

IN THE

## COURT OF QUEEN'S BENCH,

On the 26th day of January, 1850.

DUBLIN:
SAMUEL B. OLDHAM, 8, SUFFOLK-STREET.
MDCCCL.

# SPEECH.

My Lords,

In this case I am in support of the Conditional Order, and I submit that on the grounds stated by the Court, and to which I am confined, it should be made absolute. It will be very satisfactory to your Lordships to know, that in the present case there is no conflict of affidavits, for Mr. Conway, who is a gentleman and a scholar, though he has had ample time to examine into the documents filed, does not in one single particular contradict any circumstance as to a matter of fact set forth in our affidavits. Nobody has impeached the truth of the prosecutor's statements. Nobody has impeached the report of the proceedings before the Commissioner, which enabled him to submit his case properly to this Court. Therefore, the question your Lordships will have to decide will be simply this, whether on the facts, as they admittedly exist, in point of law the prosecutor is entitled to the summary interposition of this Court. My Lords, I was much struck with the good sense of the observation of Mr. Justice Foster—"that every man is interested in knowing what is the criminal law of the country in which he lives. For no rank—no elevation in life—no conduct, however circumspect soever, ought to tempt a reasonable man to conclude that these inquiries do not, nor possibly can, concern him." The history of this country proves the truth of these sensible observations. The facts out of which the publications in question spring lie within a very narrow compass. A procession of certain persons called Orangemen, of whom the prosecutor was one, was intended to take place on the 12th of July last. The procession did take place, and on its return from Tollymore Park—*the processionists having throughout the entire day conducted themselves in the most peaceable, orderly, and inoffensive manner—were assailed at a place called Magheramayo, by an armed assembly of persons called Ribbonmen, who lay in wait on the hill to waylay and assassinate them.* By that party a murderous assault was made on the persons composing the procession,

by a discharge of musketry; and *I refer your Lordships to the evidence* of Mr. Scott, in page 24 of the Evidence, and to that of other witnesses, *clearly demonstrating*, that by this party on the hill, who lay in ambush during the day, *the procession was wickedly and unprovokedly assailed.* I need not trouble the Court by going through the details of what subsequently occurred, except to state that Mr. Jardine in his affidavit, distinctly negatives his presence at, or participation in, any act of violence or outrage which followed. Out of this transaction the enquiry to which I shall now call the attention of your Lordships sprung. A Court of enquiry was held at Castlewellan, before Walter Berwick, Esq., one of Her Majesty's Counsel, styled a Commissioner. And the publications in question are consequently divisible into two classes, one in relation to the whole proceedings of that unconstitutional tribunal, and the second in reference to what passed before the Magistrates at Petty Sessions subsequently. To this enquiry before Mr. Berwick, my client was not summoned—of it he had no notice; but his acts, his speeches, and his conduct were examined into before that tribunal—they were made the subject of charge against him, and the question now is, what was the character of that tribunal; for the publication of its proceedings, is asserted by us to be as unlawful as the existence of the tribunal itself. It is necessary for your Lordships to be made acquainted with the nature and character of this Court which assumed to itself, or as perhaps I ought rather say, usurped the right to try this man behind his back, and to give judgment against him, to be afterwards placarded through the world. Had this gentleman, who is entitled, "the Commissioner," any legal authority to investigate the conduct of the prosecutor—to summon his fellow subjects as witnesses or as culprits before him—to administer oaths—to accept affidavits, and to pronounce upon the law, and the guilt or innocence of his fellow-men. Had he, I ask, any lawful authority to summon his fellow-subjects before him to give an account upon oath to him of their conduct, of their political sentiments and opinions, and to bring with them, their books, papers, and records; and had the defendant a right to publish all the proceedings before that extraordinary tribunal—no matter how severely reflecting on individuals—as if they were proceedings before your Lordships' Court. My Lords, I can describe that tribunal, but I cannot define it, and therefore I had better use the words of the learned Commissioner himself.

"I have attended here, in pursuance of my instructions, to hold a court of inquiry into the fatal occurrences—their origin and causes—that took place on the 12th of July, in this neighbourhood; and I shall read the instructions I have received from his Excellency the Lord Lietenant, in writing, on the subject. I have only to add, that I have got instruction to go fully and searchingly into all the circumstances in this inquiry; and I shall not spare time, but remain here until I shall have heard the evidence of every one who can give me any information that will assist in the discovery of the truth in this case. I desire that the most perfect order shall be kept in this court; that no one shall speak except in

the way of evidence; and that nothing shall be said calculated to excite the feelings of any one. I shall hear the evidence of all parties. I direct that in this room there shall be perfect order, and that it be kept quiet. Every one has a perfect right to come in, so long as there is room for accommodation, and so long as perfect order and quiet be preserved; and I hope every one who can give any information will come forward and give it."

The Commissioner sometimes appears as a prosecutor, sometimes as a Judge, in a proceeding which I submit respectfully has been all through unconstitutional and illegal. After having made the above announcement, Mr. Rea, an attorney from Belfast, said he appeared before the Court on behalf of John Ward, and others whose houses had been burned and injured, and also for the next of kin of the parties who were killed; and applied for summonses against some parties who were not willing to attend. And these summonses were ordered by Mr. Berwick to be issued, and they were issued accordingly. Mr. Rea who was vigilant and active, did summon a number of witnesses who from distant places did attend, and if your Lordships will look to page 108 of the Evidence you will find that Mr. Rea, after the investigation had lasted for a week, applied for an adjournment and handed in the affidavits there fully set forth. [Counsel, here read the page 108 of the printed Report of the evidence *verified by affidavit*, and continued]—That affidavit I venture to say is unique in the criminal annals of this country. It commences, "To Walter Berwick, Esq., 'the Commissioner,'" and it concludes thus, "your obedient servant, John Rea." That is the conclusion of the affidavit, and then a short form of jurat is added—"Sworn before me in open Court, Walter Berwick, Commissioner." He accordingly adjourned the Court, first calling upon all persons who had anything to say to come forward, and they should be heard. And on the 18th of September he returns to Castlewellan, and opens the proceedings *de novo*. On that occasion, Mr. Ross Moore requested of the Commissioner that the Commission under which he acted should be read. The Report of the evidence proceeds thus at page 111:

"Mr. Berwick then produced the Commission, which he read over, and which authorised him to make inquiry into the circumstances connected with the proceedings near Castlewellan, on the 12th of July last. He remarked that it was in consequence of the last passage in the document referred to (authorising him to have steps taken to bring to justice the parties concerned therein,) which had induced him to direct the Crown Prosecutor to have informations tendered against certain parties engaged in these proceedings. He conceived that if he had taken the other course, which was open to him, namely, taken the informations against the parties himself, it would have argued a distrust in the Magistrates of the district, and he felt that there should not be any departure from the ordinary course of justice.

There Mr. Berwick avowed that he was the person who directed the Crown Prosecutor to take the steps he did. Oaths were administered to every party who came before the Commissioner, and when any accused person or a witness was brought forward, he first swore,

and perhaps examined the party himself—he was then handed over to the tender mercies of three attorneys—then submitted to the exercise of the ingenuity of three barristers, and eventually escaped more dead than alive out of this high Court of Commission. No rule of evidence was regarded there from beginning to end; every principle of English law relating to criminal prosecutions was disregarded. I have observed in relation to one matter of fact, that six *impressions* as to the party which fired off a squib as a signal are stated one way, and seven direct averments as to the fact the other way, and yet *the six impressions are preferred to the seven positive averments*, by the learned Commissioner in the framing of his report. Then at page 112, your Lorships will find a form of summons, a kind of *subpœna duces tecum*, issued to two gentlemen in Newry, Messrs. Isaac Parsons and John Ellis, requiring them to produce the books and records of the Orange Association in their custody. That summons was signed by Mr. Ruthven, the Sessional Crown Solicitor—a servant of the Crown—and he stated that he issued it in pursuance of an order given him by the Commissioner. These gentlemen attended at Castlewellan, and requested to know why they were brought there, and said they would be obliged to the Commissioner if he would order their expenses to be paid; but he declared he could not award expenses to witnesses. And that was the first point where this High Commissioner seemed to think his jurisdiction was in any manner limited. I have now to approach a part of the case which it seems to me should next be brought under your Lordships' notice—I mean the report of Mr. Berwick. [The learned Counsel here read the opening passages of the report, of the Commissioner, as printed in *Dublin Evening Post*, and then resumed his address]—At page 86 in the printed Evidence your Lordships will find that Mr. Berwick threatened to commit a witness for hesitating to answer a question. Here are his words:—"If you do not answer, I must tell you *I have the power to commit you*, and I would advise you to answer." Under that threat of instant committal—and it was well it was not a threat of instant execution, for one would have been just as legal as the other—he made the witness answer his questions; at another time he proposes to indict for perjury a prevaricating witness. Now, my Lords, I would respectfully say, that the first question to be considered is this—was this Court a Magistrate's Court for holding the preliminary enquiry authorised by law. [Counsel here refered their Lordships to the case of *Cox v. Coleridge*, in Second Dowling and Ryland, where the character of a Magistrate's Court was described and defined by the Court of Queen's Bench in England, and where it was held that an examination before the magistrates was not necessarily to be an examination in open Court, that it might be held in a private room at the discretion of the Justices, on the ground that the magistrate does not act as a

Court of Justice, that he is only an officer deputed by the law to enter into a preliminary enquiry; and that the law which casts upon him that jurisdiction, presumes that he will do his duty in enquiring whether the party ought to be committed or not. In the same case it is laid down—that a magistrate is clearly bound in the exercise of a sound discretion not to commit any one, unless a *prima facie* case is made out against him, by witnesses entitled to a reasonable degree of credit; and continued]—This enquiry was held on the 30th July, and the Act of Parliament then in force in Ireland, 12 & 13 Vict. ch. 69, sect. 19, prescribes the mode of holding a Magistrate's Court, and enacts that the place where the preliminary enquiry is to be held is not to be taken as an open Court. I submit the Magistrates Court is the Court appointed by the law for conducting a preliminary enquiry. It has been shewn that this Court of Commission was conducted on principles directly opposite to those which regulate the Magistrate's Court—it was public as of right—evidence on both sides was heard, and the proceedings concluded by a report or judgment. That it partook of the character of a criminal court is plain. It was not for the investigation of any civil right. An old writer, Fortescue, in his work "*De Laudibus Legium Angliæ*," describes the happiness which the English people enjoy in living under the certain administration of known laws in these terms:

"The King cannot by himself or his ministry lay taxes, subsidies, or any imposition of what kind soever upon the subject; he cannot alter the laws or make new ones, without the express consent of the whole kingdom in Parliament assembled. Every inhabitant is at his liberty fully to use and enjoy whatever his farm produceth, the fruits of the earth, the increase of his flock, and the like; all the improvements he makes, whether by his own proper industry, or of those he retains in his service, are his own to use and enjoy, without the lett, interruption, or denial of any one; and if he be in anywise injured or oppressed, he shall have his amends and satisfaction against the party offending. Hence it is, that the inhabitants are rich in gold, silver and all other necessaries and conveniences of life. They drink no water unless at certain times upon a religious score, and by way of doing penance. They are fed in great abundance with all sorts of flesh and fish, of which they have plenty everywhere; they are clothed throughout in good woollens; their bedding and other furniture in their house are of wool, and that in great store. *They are not sued at law but before the ordinary judge, where they are treated with mercy and justice according to the laws of the land—neither are they impleaded in point of property, or arraigned for any capital crime, how henious soever, but before the king's judges, and according to the law of the land.*

What is the commentary on that passage by Mr. Amos, for which a number of authorities are cited—that *no new court of criminal jurisdiction can be created by the Crown from the date of Magna Charta.* Sir Edward Coke, writes Mr. Amos, evinces a great jealousy of all new Commissions conferring powers of judicature which are not sanctioned by Parliament. The substance of the authorities confirmed by the 2 Institute, 46, is this—that the process of the law is part of the law itself, and that it can be no more altered at the will of the executive, so as to institute a novel system of criminal prose-

cution, than the law of the country itself can be subverted. My Lords, I submit, that the passages I have read from Coke's institute prove, that the mode of trial *per legem terræ* is fixed—that the process of the law is fixed—and that no subject of the realm can be vexed in any court of a criminal character, save according to the ancient common law, custom, and process of this kingdom. The doctrine is no less mischevious than illegal to assert that the crown can grant any commission it pleases, and thereby create a legal tribunal. In the 4th Institute, chap. 28, p. 163, Lord Coke says:—

"Commissions are like to the King's Writs. Such are to be allowed which have warrant of law and continual allowance in Courts of Justice. For all Commissions of new invention are against law, until they have allowance by act of Parliament. *Commissions of novel inquiries are declared to be void.* Commissions to assay weights and measures (being of new invention) are declared to be void, and that such commissions should not be after granted. So as a Commission is a delegation by warrant of an act of Parliament or of the common law, whereby jurisdiction, power, or authority is conferred to others."

Several examples are given by the same great authority, of Commissions having been issued without the assent of Parliament or the warrant of the common law; of the same having been complained of and resisted by the Commons, and abandoned as illegal. [The learned Counsel read passages from pages 97, 332, and 324, of the same book, in support of his argument, that no such Commission as this granted to Mr. Commissioner Berwick, could legally be granted by the executive authority of the country. He next quoted from 12th Reports, 49, 50, the case entitled "High Commission," wherein it is laid down that the High Commissioners could not by force of the act of Elizabeth, send a pursuivant to arrest any person subject to their jurisdiction, to answer to any matter before them; but they ought to proceed according to ecclesiastical law by citation, for the statute of Elizabeth did not give the Commissioners any authority to arrest the body of any subject upon surmise; and although it be comprised within their Commission, that they may send for any pursuivant, &c., yet inasmuch as this hath no foundatien upon the Act of Elizabeth, the King, by his Commission, cannot alter the ecclesiastical law, nor the proceedings of it. Simpson's case is there stated, wherein it appeared a pursuivant, sent by these Commissioners to arrest a man, was killed; that this was murder was doubted, which depended upon the validity of the authority of the pursuivant: and it was held the killing was not murder, because the warrant was not legal, that although the Commissioners had power given them by their Commission, to issue such warrant, such power was not acknowledged by statute, nor by the common law; and therefore the Commission, so far as it exceeded the authority expressly given by the statute, was void.]

[In support of the same principle, I may refer your Lordships to Lady Throgmorton's case, 12 Reports, 89; Sir W. Chancey's case,

82, 83; the case of High Commission 88, 89; Drake's case, Croke Charles 220; and lastly on this point, to the case entitled, "Commissions of Enquiry," 12 Reports, 31. There a Commission was granted to certain Commissioners, to enquire into depopulation of houses, converting of arable lands into pasture, &c. This Commission was held to be against law. For this—"that it was only to enquire, which is against law; for by this, a man may be unjustly accused by perjury, and he shall not have any remedy." And again, "no such Commission ever was seen to *enquire* only of crimes."

Here it will be observed there is a conflict of opinion between Mr. Commissioner Berwick and Lord Coke, the latter declaring no man examined under such a Commission could be indicted for perjury, while the former maintains such a prosecution would be maintainable. I think it clear, no witness sworn and examined before Mr. Berwick, could be prosecuted for perjury. *And upon the highest authority in the law it is submitted, this Commission of enquiry granted to Mr. Berwick was illegal and unconstitutional—a positive obstruction to justice; permitting the defamation of individuals; the taking of false oaths, for which there could be no punishment; and provoking resistance to its mandates, where, if death ensued, there could be no prosecution for murder.*

The history of the reign of James II., proves the mischief arising from the creation of the Courts of Commission not authorised by law; and the articles in the declaration of right, demonstrate how abhorrent to our system of fixed positive law, such vague and arbitrary tribunals were.

Therefore, if there is any one thing in law more certain than another, it is certain that this Commission from beginning to end was illegal and void. If that be so, can the publication of its proceedings be lawful? especially where they reflect on the conduct of individuals expecting a trial. Suppose fifty such Commissons were issued to-morrow, and we were summoned before the Commissioners to give account of our actions, what is there to sustain their jurisdiction. How should such novel tribunals be dealt with by the Court of Queen's Bench. Lord Coke says—"That to "the Court of King's Bench belongeth authority, not only to correct "errors in judicial proceedings, but other errors and misdemeanors, "extra-judicial, tending to the breach of the peace or oppression "of the subject, so that no wrong or injury, either public or private, "can be done, but that this shall be reformed or punished by due "course of law. The same doctrine is laid down in Comyns' Digest; "Title, Courts—jurisdiction of the King's Bench." I shall now call your Lordships' attention to the passages in the Evidence by which Mr. Jardine was personally affected in his absence, and without notice; and first, I would refer to the testimony of Mr. Hill, Sub-Inspector of Police, in which it is said, "Two or three days before the 12th,

I saw Mr. John Jardine in Rathfriland. I asked—'Is it possible you intend to go over Dolly's Brea on the 12th.' He said, 'it is, and all the powers of man wont prevent us; there has been so much vapouring about our not daring to do so, and our cowardice.'" In page 37, on Mr. Hill's cross-examination, he says—"Mr. John Jardine told me there would be twenty-four stand of colours; that is, twenty-four lodges, and I did not imagine the others would attack such a force." [The learned Counsel referred to several other passages of the evidence before Mr. Berwick, and wherein Mr. Jardine's conduct and speeches were noticed.] Thus evidence was received behind Mr. Jardine's back, and having got that evidence, Mr. Berwick made up his mind as to the legal guilt of Mr. John Jardine; at this period, during the sittings of the Commission, there was no proceeding whatever before the Justices at Petty Sessions. Well, after Mr. Berwick had discovered, by some unknown and unintelligable process, this man's guilt, Jardine was summoned, according to Mr. Berwick's instructions, to attend a Petty Sessions at Castlewellan, on the 11th of September. He appears in obedience to a legal summons, and evidence of an entirely different character from that received by the Commissioner's Court is heard. Mr. Berwick attends at that Petty Sessions, not as a Judge or Commissioner, but as a lawyer and an advocate, and he calls upon the magistrates to receive informations against this man, Jardine, and nine others. The magistrates say, they must get evidence before they can commit, and Mr. Hill is called before them, and gave evidence which Mr. Conway has not called any living being to controvert. The statement of that evidence in the uncontradicted affidavit of the applicant is in these words:—"Saith in pursuance of said summons he attended at said sessions, and thereupon James Ponsonby Hill, Officer of Constabulary, was produced and examined as a witness (*the only witness*) on the part of the prosecution, before the magistrates then assembled; and the said Hill swore, that he saw this deponent in such procession, that this deponent had no arms, but had an orange scarf. That in the opinion of the said Hill, this deponent was not present at any act of violence, but conducted himself peaceably and quietly; and that the assembly of which deponent was a member, did not create any terror or alarm in the mind of said Hill, and was not calculated to excite terror and alarm in the mind of Her Majesty's subjects; same being quiet and orderly, and accompanied by the Stipendiary and other Magistrates, with a large body of police and military; and also with many respectable females and children belonging to the families of those who composed the said procession." The magistrates then had to consider whether according to their conscientious judgment, this man should be committed for trial, or have informations received against him or not; they thought there was no

evidence of a crime committed by him, although the learned Commissioner laboured to convince the Justices of his legal amenability.

*Judge Perrin.*—How?

*Mr. Whiteside.*—Why the Commissioner censured their decision, and said that the Justices were culpable in refusing to act on his advice, and to receive the informations. Though Jardine had done no unlawful act, yet in obedience to the Commissioner, was it to be said that the magistrates were bound to act contrary to their convictions, and to take informations against him upon insufficient evidence. On the 9th of October, the very day this report of Mr. Berwick's was published in the Dublin Evening Post, the magistrates are called on a second time to take informations against Jardine, and on what ground? Because the Commissioner had given his opinion on the law, and the facts, to the executive, who had published it to the world, and because the magistrates were bound to obey the directions of the Commissioner. The concluding passages of Mr. Berwick's report are decisive to show, that Mr. Berwick in laying the case beforethe magistrates, was influenced by the evidence illegally taken before him as Commissioner! But he pronounced on the guilt of parties not tried—laid down law which *he* called *undoubted*—acted as judge and as prosecutor—asserted the informations were tendered against armed men, which was a total mistake, so far as Jardine was concerned—and declared that the refusal of the Justices to accept informations against the guilty, was an obstruction to justice which should be removed.

"In reference to that part of your Excellency's instructions, in which I am directed 'to cause effectual steps to be taken for bringing to justice the parties engaged in this affray, or concerned in the crimes committed on that occasion,' I beg to state that the Sessional Crown Solicitor of the county of Down has been engaged, under directions received from me, in procuring evidence, which will, I hope, eventuate in the prosecution and punishment of some of those who were engaged in the actual commission of or participation in the outrages committed on that day; and as it appeared of vital importance to the public peace to establish without delay, the law on the subject of illegal assemblies, so seriously misunderstood and so plainly violated, informations were tendered before the Magistrates at Castlewellan, being the proper local tribunal, against some of the parties who were known to have appeared in arms on the 12th of July, for taking part in the illegal assembly of that day.

"As the Magistrates of that district had repeatedly complained to me, during the previous investigation, that they had been left in ignorance of the law on that subject by the Government and its officers, I deemed it my duty towards these gentlemen to attend at the sessions for the purpose of explaining to the Magistrates there assembled, as clearly as I could, what appeared to me the undoubted law on the subject.

"A majority of those gentlemen, however, declined to adopt the view of the law as stated by me, and the informations were accordingly refused; I trust, however, this temporary delay in a proceeding so important to the vindication of the law, and the establishment of the public peace, will soon be removed."

[The learned Counsel next read the opening part of Mr. Redington's

letter, and continued]—Now, what are our objections founded on the publication of that letter. Lord Roden is pronounced guilty of abetting and encouraging an illegal assembly and procession, (of which Jardine was at the head,) and is to be dismissed—the Commission of the Peace on the ground stated in that document, viz.: that the meeting was undoubtedly unlawful; but I ask, has the head of the executive, where a crime has been committed—supposing what has actually been committed to be a crime in law—through his Secretary—and through a journal in his interest, and devoted to the advocacy of his policy, a right to publish his opinion as to the undoubted law of the land. Is the minister the judge of the law? Where was that ever before attempted? Where is the precedent or the authority for a practice so dangerous to public liberty, and public justice, and so subversive of every constitutional doctrine. My Lords, I have always understood the perfection of our political system to consist in this—that it is the province of the legislature to make laws, the province of Courts of Judicature to interpret and expound these laws, and the province of the executive to enforce them.

Those foreign writers who have written on our system of government say, that its beauty consists in this, that the executive and judicial functions are wholly distinct, because they say, if they were combined in one person or body, there would be an end to all justice. That is, the view propounded by Montesquieu; and it is in exact conformity with what is mentioned by our greatest constitutional writers. What is it that His Excellency says in this letter, is the *undoubted* law of the land. That Lord Roden countenanced an illegal assembly; the evidence was, that John Jardine was the first man that rode at the head of it, into Lord Roden's demesne; therefore he is guilty of being one of that illegal assembly, and the Justices for screening him from punishment are dismissed. Now let me test the propriety and legality of that declaration in this way. If, when Mr. O'Connell was about to be put upon his trial, the executive had caused to be published before hand, so that jurors might read and be influenced by it, the opinion of the Lord Lieutenant, that the meetings which Mr. O'Connell attended, were illegal assemblies, and that by accepting a particular form of cap at Mullaghmast, he was guilty of high treason. What, I should be glad to know, would have been said of such a proceeding? and as I have been reminded, if it were added in that publication, that the Attorney General had given it as his opinion, that Mr. O'Connell was clearly guilty of the crime imputed to him. In looking over the pages of a work, which, though not to be cited as an authority, cannot be regarded without respect in a British Court of Justice.—I mean the life of Sir Samuel Romilly; we find in vol. 2, page 463, a case in point, in reference to the propriety

of the proceeding now under consideration The passage from the journal of Sir Samuel Romilly, is in these words—

I submitted to the House of Commons some motions on the subject of Lord Sidmouth's circular letter to the Lieutenants of Counties, written on the 27th of March last. I moved, as Lord Grey had before done in the House of Lords, for a copy of the case upon which the opinion of the law officers had been given; and I moved two resolutions besides pointing out and censuring the unconstitutional nature of that proceeding. The view which I took of the case is embodied in these resolutions. The letter is in these words :—

"As it is of the greatest importance to prevent, as far as possible, the circulation of blasphemous and *seditious* pamphlets and writings, of which, for a considerable time past, great numbers have been sold and distributed throughout the country, I have thought it my duty to consult the law servants of the crown, whether an individual found selling, or in any way publishing such pamphlets or writings, might be brought immediately before a Justice of the Peace, under a warrant issued for the purpose, to answer for his conduct. The law officers, having acccordingly taken this matter into their consideration, have noticed to me their opinion that a Justice of the Peace may issue a warrant to apprehend a person charged before him upon oath, with the publication of libels of the nature in question, and compel him to give bail to answer the charge. Under these circumstances, I beg leave to call your Lordship's attention very particularly to this subject, and I have to request that, if your Lordship should not propose to attend in person at the next general Quarter Sessions of the Peace, to be holden in and for the county under your Lordship's charge, you would make known unto the chairman of such sessions, the substance of this communication, in order that he may recommend to the several Magistrates to act thereupon, *in all cases* where any person shall be found offending against the law in the manner above mentioned. I beg leave to add, that persons vending pamphlets or other publications in the manner alluded to, should be considered as coming under the provisions of the Hawker's and Pedlar's Act, and to be dealt with accordingly, unless they show that they are furnished with a licence, as required by the said act."

"I have the honor to be, &c.

SIDMOUTH."

The resolutions which I moved were:—"That it is highly prejudicial to the due administration of justice, for a Minister of the Crown to interfere with the the Magistrates of the country in cases in which a discretion is supposed to be by law vested in them, by recommending or suggesting to them, how that discretion should be exercised. Secondly, *that it tends to the subversion of justice, and is a dangerous extension of the prerogative for a Minister of the Crown to take upon himself to declare in his official character to the magistracy what he conceives to be the law of the land; and such an exercise of authority is the more alarming, when the law so declared*, deeply affects the security of the subject, and the liberty of the press, and *is promulgated on no better authority than the opinions of the law officers of the crown.*" The motion for the copy of the case was negatived; and the resolutions were got rid of by the previous question, moved by the Attorney General. I felt this to be a matter of considerable importance, and took great pains to point out, at very considerable length, the mischief of allowing the executive power to assume to itself the exercise of a discretion vested by law in judicial officers; and to presume in matters, if doubtful, to solve these doubts, and pronounce what the law is.

The letter of the Secretary of State in that case, which conveyed the Attorney General's opinion, was positively harmless, because not referring to a case then pending before the magistrates, as compared with the present publications complained of. Therefore,

my Lords, it is respectfully submitted, that if the Court will not interpose against publications of so mischievous and unconstitutional a character, no acused person can hope for a fair trial, and the liberty of every man in the country will be dependant upon the will of the ministers of the day. They may appoint illegal and inquisitorial tribunals, presided over by Commissioners, who may summon before them the accused, and compel them to give evidence against themselves. They may command their Commissioner to announce what the law is, and send him to controul the lawful magistrates of the country. They may then give their judgment of guilty before any trial of the accused, and publish it in a letter declaring what is the undoubted law of the land; all this may be done with impunity. The journalist has the candour to say, "my object in publishing these documents was to do the Government, I support, a service." But that, my Lords, is my complaint; that is, what my client comes here to demand protection from. *The Lord Lieutenant* is the representative of Her Majesty. The weight of his censure is in proportion to the height from which it falls. His opinion is published, in as plain and unequivocal a manner, as it could possibly be, as to the guilt of the parties who took part in this procession; but with great respect to that nobleman personally, and for the office he fills, I will say this, and it is my duty to say it, he *had no more right to pronounce that opinion, as to what was the undoubted law of the land, than he had to order Mr. John Jardine's head to be cut off. And I will add, that the country would not be worth living in, if such a usurpation, on the part of the executive, was suffered to pass without observation and resistance.* There is a matter of fact in reference to this letter worthy of notice. The Lord Lieuteuant is made to assert, that the informations were tendered against those proved to have been in arms. Jardine has sworn he was unarmed, and no one contradicts him. This shows the danger of such publications.

To revert to *Mr. Berwick's report* that report *is* disputed by my client, as being *partial,* in suppressing much that is favourable to the parties accused; *unfair,* because unaccompanied by the publication of the evidence on which it is founded, and because it is a statement of results, together with a copious commentary on the case without the evidence read. What is this letter of Mr. Redington? A statement of results, again founded on that report. And what use is made of this report? It is given by the Secretary of State to Mr. Conway, to be published in the Evening Post, in order to have an effect upon—that is, to prejudice—the public mind. Now, I at once impute to that report several inaccuracies; and I ask your Lordships' attention to this—that none of the evidence taken by Mr. Berwick at the Commission, or investigation, or whatever it was, was ever published by the Government; and we

challenge them to verify his report, founded, as it is said, upon evidence. [Counsel then read a passage from another article in the Evening Post, reiterating the same assertions, and adding "that the evidence, as referred to, was abundantly sufficient to warrant the observations of the Commissioner, no one who was present at the investigation can doubt."]

Your Lordships have learned from the words of the report, that an idiot was killed; and it would not surprise me if you were at this moment under the impression that he was killed by the Orangemen; the words being — "The skull of an idiot was beaten in by *their* muskets." But how stands the fact? Here is the evidence of Mr. Fitzmaurice, the Stipendiary Magistrate: at page 45 of the Evidence, he says: "I believe the person I saw dead on the road was Sweeny, an idiot. My impression at the time was that *he was shot from the hill*—he was shot through the head." The Ribbonmen were the party on the hill; and yet it is represented in this report, that his skull "was beaten in by *their* muskets;" that is, by the muskets of the processionists. Why this is enough to shew the Court that it is the evidence itself that ought to be published, if any thing, and not *a commentary upon one portion of it, and a suppression of the other.* What did another witness say, James M'Grady, at page 102, "I saw Sweeny lying dead upon the road; I dont know who killed him." Does such evidence justify the report of the Commissioner on this point, Then as to the road the procession returned home by, we have the evidence of the Parish Priest, who declared it as his opinion, that it was better for the Orangemen to return back by the old road; and Captain Darling in his evidence tells us that in his opinion the old road was the safer of the two. The statement in Mr. Berwick's Report is——

*Lord Chief Justice.*—We really can't connect all this with the matter we have to determine.

*Judge Perrin.*—We can't go into an enquiry as to whether the report is false or true. The charge is that *this report* was published; it is enough for you that it *is not privileged.* We are not here to determine whether it is true or not.

*Mr. Whiteside.*—The printer of the newspaper has put forward in his affidavit, in justification, or in excuse and mitigation, that he believed this report of Mr. Berwick's was all strictly true, and warranted by the evidence given.

*Lord Chief Justice.*—Whether true or false, if this publication had the tendency you impute to it, we shall not require you to go into the question of its truth or otherwise.

*Mr Whiteside.*—Well, then my Lords, if that be so, I would ask on what principle is this rule not to be made absolute? The prosecutor swears that this application is made for the purpose of his own defence; and he swears that he does believe the Government still

intend to prosecute him; and what is the answer of Mr. Conway? —"that he is entirely ignorant of whether they do or do not." Mr. Conway might very easily have ascertained how that fact was, in one moment if he pleased. Informations are twice tendered against Mr. Jardine, and then comes a denunciation against the Magistrates for refusing to receive informations; and that is followed up by a distinct declaration from the Commissioner appointed to get up the prosecution, that the difficulty would be soon got over. [The learned Counsel then referred to authorities, the principle of which sustained the present application—Rex *a.* Fisher, 2, Campbell, 571; Rex *a.* Fleet, 1 B. and Ald. 379; Duncan *a.* Thwaites, 3, B. and Creswell, 567; Rex *a.* O'Brien, in Cooke and Alcock's Reports, in this Court—as to the objection raised on the score of delay, in instituting the present proceedings, The Queen *a.* Saunders, in 10 Adolphus and Ellis, (n. s) 484, and the authorities there quoted, prove that the application is in time.]

I venture to assert that Mr. Berwick is liable to an indictment for taking illegal oaths, because the Act of Parliament against taking unlawful oaths applies to this country, and was in full force and effect at the time this Commission, as it is called, was held.

*The Lord Chief Justice.*—If we are satisfied that these publications had a tendency to prejudice the tribunal before whom this man is to be tried, the jurisdiction of the Court is undoubted.

*Mr. Whiteside*—Then, my Lords, if that proposition is admitted and recognized by the Court, I dont know that I have anything more to say, inasmuch as I think it would be impossible for any honest man, on reading over the comments of Mr. Berwick, to say that there was not enough in them to prejudice his mind against the parties thereby arraigned and condemned. It is published by the defendant, that the Lord Lieutenant was of opinion that all those who took part in that procession formed an illegal assembly. Was not that enough to prejudice the accused? Was not the expression of Mr. Berwick's opinion, and the Attorney General's opinion on the law of their case, calculated to prejudice them? Do not *they all tend to pervert the public mind, and to distort the facts of the case,* and to prevent a fair and dispassionate trial? And if the Court come to that conclusion, let it be borne in mind that Mr. Conway cautiously states, that he does not know whether my client will be tried or not. The applicant is liable to a prosecution, and he swears that he believes he will be tried as threatened by the Crown—that it will be impossible for him, unless this Court intervenes, to have a chance of justice. It is therefore submitted, that John Jardine is entitled to have this Conditional Order made absolute.

Dublin: Printed by W. Porteous, 18, Wicklow-street.

# STOP THIEF;

OR,

## HINTS TO HOUSEKEEPERS TO PREVENT HOUSEBREAKING.

BY

GEORGE CRUIKSHANK.




LONDON:

PRINTED AND PUBLISHED FOR THE AUTHOR,

BY BRADBURY & EVANS, 11, BOUVERIE STREET.

[*Price Fourpence.*]

# STOP THIEF.

THE cases of Housebreaking which have lately occurred, and more particularly in that deplorable instance, when the Rev. G. E. Hollest of Frimley was murdered, have induced me to place these few pages before the public.

The information I possessed beforehand, and have since made myself master of, upon this subject, enables me to throw out some suggestions as to the best method of securing houses against Burglars, which suggestions, if acted upon, I have to hope would go far to prevent the recurrence of such painful consequences as the above, in future; and indeed put almost an entire stop to Housebreaking altogether.

To apply a remedy, we must, of course, first of all, well understand the nature of the evil. I therefore here show how the *Housebreaker* effects his object, and the instruments he makes use of for that purpose; it will then be the part of the *Housekeeper* to foil his enemy—to stop the thief in his villainous work; this is a point attended no doubt with some difficulty, as this class of persons have generally a large share of low cunning and considerable ingenuity; but I should be paying the honest portion of the community but a bad compliment if I did not suppose that *their* cunning and ingenuity were equal, if not superior, to that of the thief and the vagabond. It only requires therefore the intelligence of society to be directed to this subject, and persons to consider it worth while to go to some little trouble and expense for their own security, and the *Housebreaker*, like the *mounted Highwayman*, may probably disappear altogether.

Before I proceed further, let me here earnestly hope that it will at once be seen that I do not make the following statements for any other purpose than that of showing how society may be secured against depredation; to allay in fact all cause for fear, instead of creating alarm, and to give such a feeling of security,

that even nervous persons may lay down their heads upon their pillows at night without apprehension of damage to their property or violence to their persons.

"Stop Thief!" is a title that will no doubt startle many a rogue; but startling as the sight and the sound of these words may be to the thief, many honest people will be quite as much startled when I tell them that the locks, bolts, chains, and bars to their doors, and the common fastenings to their windows and window-shutters, afford no protection against their houses being broken into by robbers, and that for all the real security these fastenings give to their premises, they themselves or their servants might almost as well leave the doors unbolted and the windows unfastened at night, as to take the trouble to do either the one or the other.

Now, although this is not so in *fact*, it is so in *effect*—for houses are sometimes broken into and robbed *without the door being unlocked or the bolts withdrawn*, and windows *are opened*, although they have been previously (as it has been thought) well fastened.

In giving this fact as to the insecurity of the common fastenings, now almost universally in use, I beg to observe that I do not do so merely from my own observation, or from my own experience—which, by the way, is worth something, having had my own house broken into and robbed in my young days of housekeeping—but it is also the opinion of the police authorities, as well as many housebreakers themselves, whom I have had an opportunity of questioning upon the subject, and who smile at the pretended security which persons consider themselves in with the aid of these common fastenings alone. This statement will, as I have said, be doubtless a startling one to many; and although I am warranted in asserting that these fastenings do not afford the required security, yet it is not to be supposed that doors should not have their locks, bolts, chains, and bars, or the windows and the shutters their usual fastenings. They are all necessary to a certain extent, and useful as far as they go, because they are all difficulties which the burglar *may* have to overcome; and of course every thing that is an impediment should be thrown in his way. What I distinctly mean to assert is, that these fastenings are not sufficient of themselves to stop the thief; and to prove this, I now proceed to show how the housebreaker effects an entrance into buildings despite of these fastenings, and to give a clear insight into those matters which have hitherto been almost universally a mystery; and, as I before stated, with the hope of putting a stop to this sort of depredation.

But before we proceed to the operations, let us examine a few of the housebreaker's instruments.

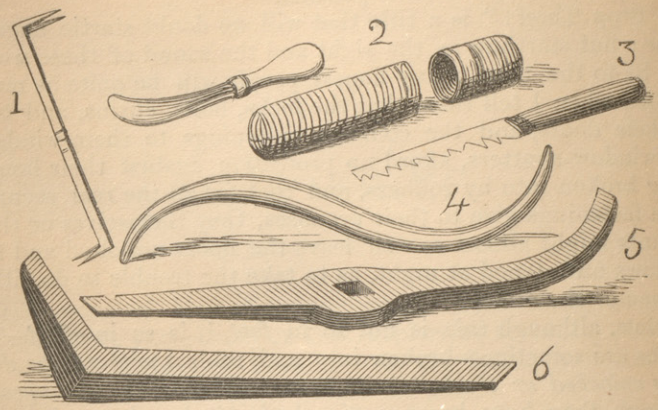
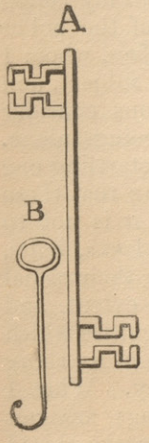



Fig. 1.—Small steel bar, with sharp points turning outward; it is in two parts, but screws together in the middle, and is used for drawing out window-frames, &c. Fig. 2, a gouge, or hollow chisel, which, being exceedingly sharp, is always kept in a case. Fig. 3, a saw, made out of an old table-knife. Figs. 4, 5, 6, crow-bars, to which may be added "ripping" and other chisels, files, saws, and "pocket-jacks."

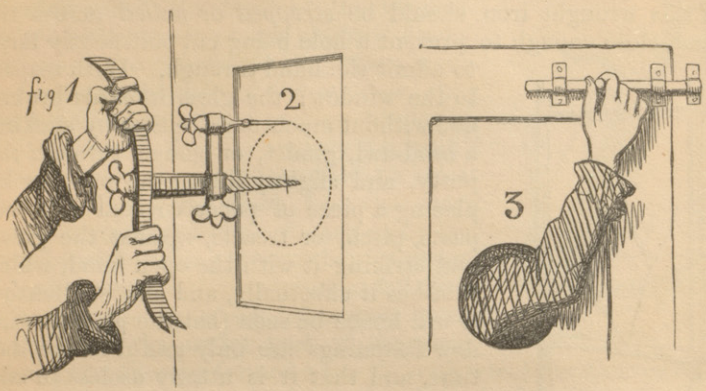
It must be understood that the thief seldom attacks the front of a house, particularly if it be in a street, except under peculiar circumstances. He almost always makes his attempt at the back part of the premises; and the first thing he does is just *to try* if any of the doors * or windows are left unfastened, as in that case, I need hardly say, it saves him a great deal of trouble. If the door be fast, he then tries the lock with a skeleton key. Should the door be unbolted, he walks in. Should, however, the door *be* bolted, and there is any difficulty about the window, he proceeds to cut a circular hole in the panel, as in *fig.* 1, through which he puts his arm to undo the *top* bolt, as in *fig.* 3, using the same means at the lower panel, to get the *bottom* bolt, and the same process to get at the chain or bar, should there be any. Another method is to cut circular holes running into each other, with a small centre-bit, across the *top* and also the *bottom* of the panel, by which means it is removed altogether, (see 4, 5, 6, 7); and then he either puts in a small boy to




Skeleton Key, A.
Picklock, B.

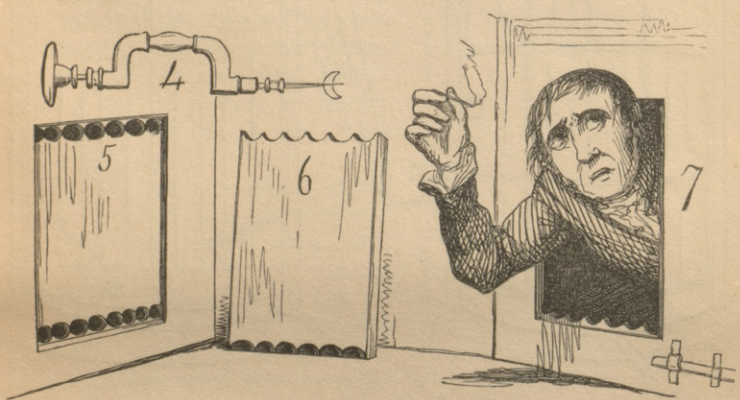
* It will scarcely be believed that in one of the smallest Metropolitan divisions of police, three hundred and seventy-two street-doors were found *open* by them during the night-time, within the space of ten months.

unfasten the door, or, if the space be large enough, gets through himself—first surveying the place he is about to enter by the light of a lucifer-match or a dark lantern.



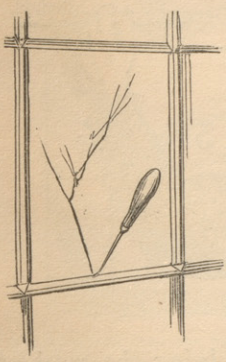

Thus it will be seen that the panels, being the weakest parts, are the chief points of attack; and further, it will be seen how essential it is that the whole door should be lined with iron.

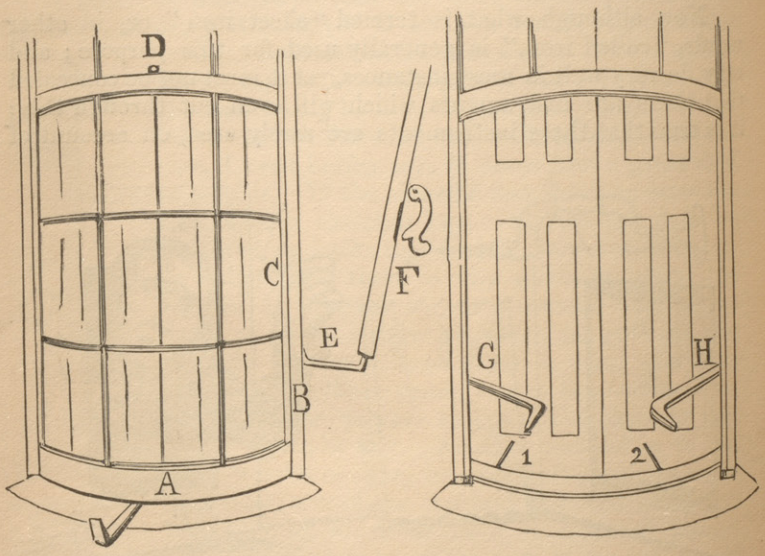
Now although what is termed "sheet iron" or, in other words, "rolled iron," is generally used for this purpose; and may do very well in most instances, yet it must not be concealed that there are instruments which will even cut through this; it is true that these instruments are rarely used, on account of




their expense. Still the fact that there are such, and that they can cut through "sheet iron," shows that it is not wholly to be

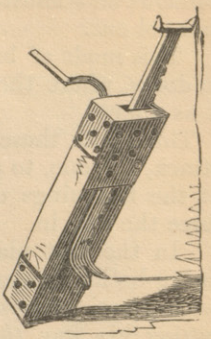
depended upon. Therefore where *wrought* iron, which *cannot* be cut through with these tools, is found to be too expensive, and not likely to be used, to line the *whole* of the door, *bands* or *strips* of this wrought iron should be *strapped* or *nailed* across the door, close enough to prevent a hole being cut sufficiently large to admit the hand through. With respect to the window; the glass is easily broken and without much noise, either by sticking a brad-awl, gimlet, or gouge, through the putty, and slightly lifting the pane, or by placing a piece of paper covered with wet paste, pitch, or treacle, against the glass, and striking it with the open hand, which smashes it effectually, and almost silently; it will hence be seen that the present window fastenings are only useful in the day time, and that it is utterly useless to add any more fastenings of that character; and that all the strength, therefore, should be given to the shutters, which ought also to be lined or strapped, like the door, with iron.



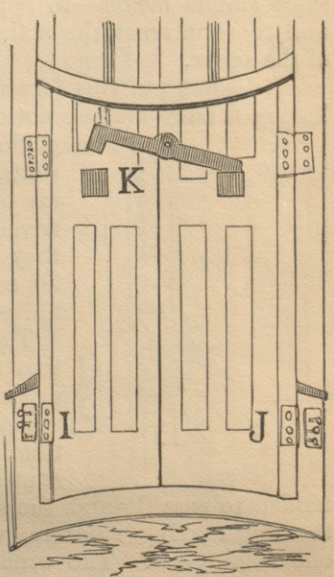



This mode of housebreaking is confined to the operation of cutting through. But I now give another mode of housebreaking, and, as it is a case in point, I here represent, from

personal inspection, the way in which Holford House, in the Regent's Park, was lately broken into. It appears that in the first instance the *wedge*, or "crowbar," was inserted under the front of the window-sash, A, (the windows are slightly *bowed*) but upon the thieves finding there was a fastening at the side of the window, they then pulled out the "parting bead," as it is called, B, then by slightly "raising" the window, they were enabled to insert the instrument E, which has the sharp points turning outwards at each end; and then by withdrawing the crowbar, or wedge, the whole weight of the window, C, fell down upon the points, which, of course, penetrated into the under part of the sash-frame, and thereby formed a handle, with which the thieves drew the window out towards them, thereby relieving it of the fastening, as seen at F. Having got rid of the side fastenings, they then proceeded to raise or "prise" up the window-sash by strong leverage, with a crowbar or a small pocket-jack, until they succeeded in bending up the sash-fastening at D, which they not only did, but bent, and forced out the screws which fix the plate of this sash, fastening to the window-sash. The window now being up, they then inserted the crowbar between the shutter and the corner beading at G, H, on each side, maintaining the way they made by placing a short bar (1 and 2) as a wedge; by this method the screws of the common hinges, which are small, and only screwed into the deal lining, soon gave way; and the bar of the shutter (which, by the way, having no "spring-catch") was probably thrown out of its socket (K), although they may have inserted a thin chisel between the shutters to throw it up.



Pocket Jack.




The inside of the shutters, with the points of the crow-bars, on each side at I, J, will explain this perhaps more clearly. The

whole of this operation did not, I imagine, occupy more than ten or fifteen minutes, and so slight were the marks on the window and shutters that they might not be observed unless pointed out.

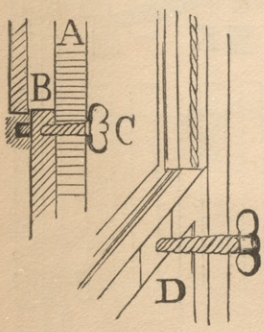
This mode of breaking open window-shutters is applied also to doors, where the thieves can force in with a crowbar, or use it as a lever.

Thus, from these examples we find there are two modes of attack, the one, to *cut through* doors and shutters, either to get at the fastenings or to pass through. The other, to break or force the way in.

In the first place, then, we see the imperative necessity of lining both doors and shutters, as already described; and in the next place, supposing that we have *stopped* the thief from *cutting* his way *through*, the next thing is to consider what fastenings may be used to *stop* him from *forcing* his way in.

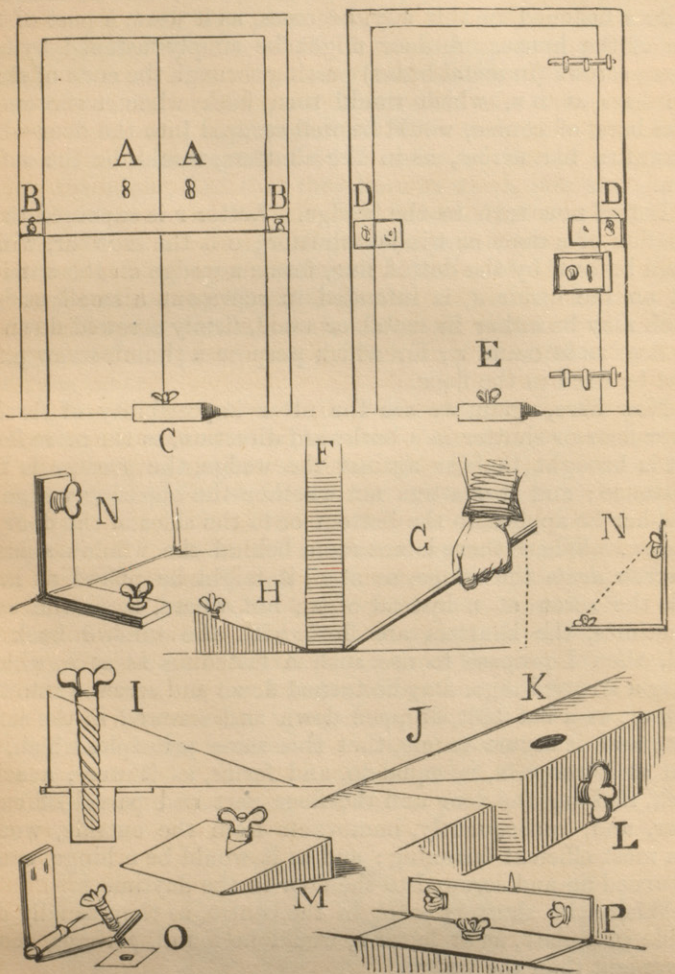
The whole of these latter operations are performed and effected by two of the most simple and also the most powerful principles of mechanics—viz., the wedge and the lever; and to oppose and obstruct these, I propose to meet them with the same simple means—to oppose, in fact, *wedge* against *wedge*, and to counteract the action of the lever by calling in the aid of the screw.

I do not put this forward as an original idea or invention, having a faint dreamy notion that I have either seen or heard of these remedies being applied in some solitary cases; but, be that as it may, my object is to bring these simple contrivances forcibly before the public, that they may clearly understand, and, I hope for their own sakes, adopt them universally.




The first fastening I shall call attention to is the "Thumb Screw," which I propose to apply (not as it was in the "good old times," to poor creatures' thumbs), but to doors and window-shutters. In A, B, C, D, it is seen as intended to pass through the shutters into the *two* window-sashes, thereby making shutters, window-sash, and frame equal to one solid piece. The window-sash could not then be raised by the lever without also raising the shutter. The window-sash *might* give way, but that would make too much noise even on a stormy night. The burglar would, therefore, most likely cut away the wood-work of the sash to try to release

the screws at A, A, *fig.* 1, which would be a difficult matter, as they are in a metal box; but supposing he succeeded in doing this, I propose to meet him again with two other strong screws B, B, which are to pass through the ends of




the iron bar, which goes quite across the shutters, and the extreme ends of which bar would pass into the wall, and should also rest upon staples on the back of the shutter or door. This bar and screws at the middle, and the wedge c at the

bottom, would resist any amount of leverage that could be brought to act upon them under these circumstances; for it would not be possible to force the door or shutter either upwards or inwards, nor to lift the door without lifting also the door-frame, and, indeed, the brickwork above; in fact, a window or door fastened in this way, becomes, as it were, a part of the side of the house. A door might be simply fastened by two strong screws (in metal boxes) passing through the ends of short iron bars at D D, which would turn back when unfastened; these bars, of course, would be well secured into the door—but the entire bar across, as in the shutters, would be the safest plan.

Let us now turn to the wedge. Letter F is supposed to be a section of a door or window-shutter; G is the crowbar, which it will be seen by the dotted line, forms a wedge on the outside, and on the inside H, is intended to represent a small wedge, which may be either in metal or wood, firmly screwed down to the floor as at C and E; for which purpose a thumb-screw plate must be fixed in the floor.

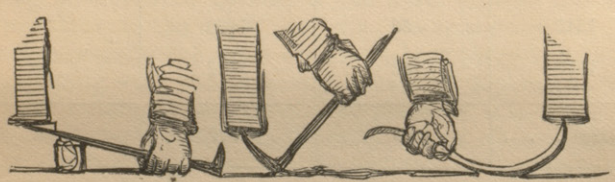
Now here, again, we see the utter impossibility of *forcing* either door or shutter in a backward direction, as the more force that is brought to bear against the wedge, the greater is the resistance; and it matters not whether the opposing wedge or crow-bar be applied to the bottom or to the sides of the door or window. Where there is not room behind the window-shutter to screw *down* the wedge, as at M, it might be placed as in J, with the screw at L instead of K; but where, as is the case sometimes, the shutters are flush with the window back or wall, then I propose to use such a fastening as at O, which, being a strong hinge, may be turned down and screwed into the wall, or, as a flat bolt, dropped down and screwed in the same way; and it occurs to me, that this same principle, which, as seen at letter N, N, is equal to, and forms, as it were, a solid block, making the door and the floor part and parcel of each other, and, consequently, immovable from the outside, would be a most efficient fastening; and as it would be a hinge, could be turned up and screwed to the door in the daytime.

Where the shutters meet in the centre, as they usually do, a wide iron plate, as at letter P, would be found, perhaps, more convenient than the wedge.

When society is suddenly startled by some desperate burglary, or when one robbery follows upon another in quick succession, as the case has been lately, people immediately exclaim, "What are the police about? to allow these robberies to take place," as if the whole blame rested upon the shoulders

of that body; whereas they ought also as well to ask those persons who have been robbed, what *they* have been about, and at the same time to consider what they *themselves* are about, and whether *they* have done their part towards preventing such accidents to themselves. It is not my province nor my purpose here to stand forth as a champion for the police; but when I show the reader that the whole of the metropolitan police force consists only of 5504 men, of which number of course only about two-thirds, or 3668, can be on duty at a time—when we come to consider, I say, that these 3668 men have to traverse the extraordinary length of 3626 miles of streets and roads during the night, and that they have to watch over and guard, in the aggregate, 349,907 inhabited houses, 13,305 uninhabited, and 5731 which are being built, with a population of 2,336,060, in an area of 700½ square miles, in a radius of 15 miles round the metropolis—why then, after this statement, I think the reader will agree with me that, under all circumstances, these guardians of our peace perform their duty in a *tolerably* satisfactory manner.

I here insert two tables of the Police returns, for the purpose of showing the extent to which these depredations are carried; and upon looking at the subjoined table (No. 1), I confess that I am surprised to find so low an average as that of 85 burglaries in the year out of 363,212 houses in the metropolis. Had the old system of "watchmen" continued up to the present time, I have no doubt—considering the increase of population, and also the number of houses, and the consequent spread of a large amount of wealth over the increased surface—that this species of robbery would have been at least ten times the amount. I may as well state here, that for London altogether we have to add the City, which is an area of 1¾ square miles, the police of which district, amounting in number to 568, have to perambulate (or rather two-thirds of them) 50 miles of street and road, and have 16,000 houses to take charge of, with a population of 125,000.



Crowbars, or Levers.

## ENGLAND AND WALES.

Comparative Table, showing the Number of Persons committed for trial or bailed, charged with the undermentioned offences, in the last Five Years.

| Offences. | 1849. | 1848. | 1847. | 1846. | 1845. | Total of 5 Years, 1845-49. |
|---|---|---|---|---|---|---|
| Burglary* . . . . | 642 | 616 | 444 | 372 | 412 | 2486 |
| Burglary attended with Violence to persons . . . | 13 | 9 | 6 | 6 | 11 | 45 |
| Housebreaking . . . | 676 | 698 | 611 | 483 | 483 | 2951 |
| Breaking within the Curtilage of Dwelling Houses and Stealing . . . . | 63 | 88 | 60 | 40 | 64 | 320 |
| Breaking into Shops, Warehouses, and Counting-houses and Stealing . . . | 226 | 259 | 200 | 165 | 155 | 1005 |

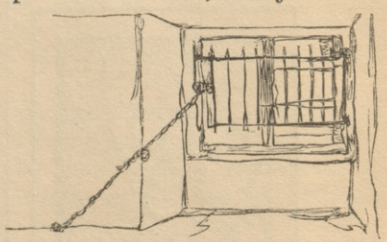
Return of the Number of Burglaries within the Metropolitan Police District from 1843 to 1849 ; the Amount of Loss ; and the Number of Persons Convicted.

| Years. | Number. | Amount of Loss. | Number of Persons Convicted. |
|---|---|---|---|
| | | £. | |
| 1843 | 119 | 1281 | 73 |
| 1844 | 98 | 849 | 63 |
| 1845 | 86 | 787 | 61 |
| 1846 | 81 | 1767 | 52 |
| 1847 | 81 | 1614 | 66 |
| 1848 | 50 | 1039 | 70 |
| 1849 | 82 | 1617 | 79 |
| Average . . . | 85 | 1287 | 66 |

* " *Burgh*, a house ; *Larzon*, a thief.—JOHNSON.

The distinction which the law draws between Housebreaking and Burglary, is, that the former is committed between six in the morning and six at night, the latter between six at night and six in the morning.

This age is called *par excellence* "the age of intellect!" doubtless, it has produced some of the most extraordinary and wonderful emanations of mind and genius; but in some respects it is about as unintellectual an age as any that has preceded it (the ladies, of course, I exclude). What can be more absurd than to have our outer doors and shutters made of a material that is as easily cut through as a piece of cheese; when there are other species of wood that would offer more security, and when, indeed, we might in some places have cast-iron doors. But deal happens to be a great deal cheaper; now the builders, carpenters, and joiners, know very well when they are putting in these doors and shutters that, although they may keep out the light, or the cold, or mid-day intruder, they will not keep out the burglar. Yes, they know this full well (everybody ought to know it also), but they go on year after year committing the same egregious error, or rather culpable system of cheap insecurity. My object in publishing upon this subject is not so much to show, by what I have here suggested, what should be done, as to set other people's "wits to work;" and I should, therefore, (after what I have shown to those who were unacquainted with these matters before), advise them just to take a survey of their back-kitchen doors and windows, or any offices that lead to this part of the house, (and which are generally made, and are, the worst and most insecure part of the premises) the garden, or yard-door, back-parlour windows, and just consider what can be done, with the aid of the smith and the carpenter, to stop the thief. All garden walls that abut upon the street, should be surmounted with iron rails. Where this plan has been adopted, it has been found to stop the thief.



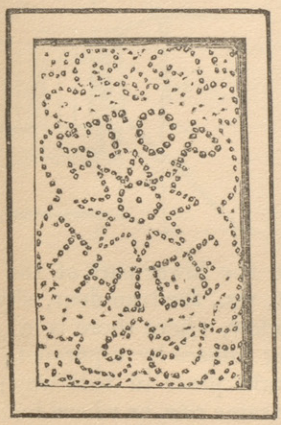
Having endeavoured to secure the lower part of the house, let us now look to the upper part, viz., the trap-door, sky-light, but more especially the attic window, where there is a way of communicating with the adjoining houses by a parapet; we all know that numerous robberies take place in this way; when there are any empty houses on the same row, or where houses are building, every attic window of this sort should therefore have a light iron gate. But *no lock* (in case of fire), merely fastened by a chain, to a staple in the floor; a simple ring and hook, in fact, so that it might be undone in an instant, but which should be entirely out of the reach of any one outside the window. Some persons

insist that there should be a policeman put into every empty house to take charge of it: but as we see that there are only 6072 policemen in London altogether, and as there are 13,699 empty houses, it will at once be seen that, however desirable this arrangement might be, there is a *slight* difficulty in carrying it out. Now let us just ask our intellectual selves (if we can spare time from the more frivolous affairs of life) whether it is not high time that some law should be made, compelling landlords to place persons in charge of empty houses, or, at any rate, fasten them in such a way that they could not be broken into, at the same time placing them under the eye of the police.

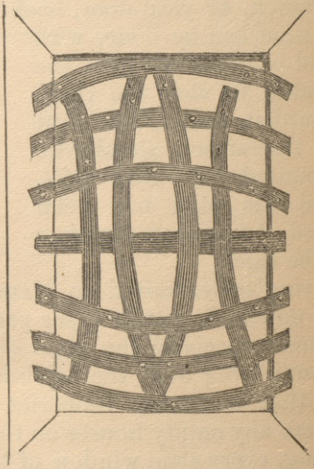
I well know what an outcry will be made at the *expense* of these *fastenings* and *linings*, which I have recommended for doors and shutters; but as I never forget that there are persons of small means who have little to spare, I here suggest to them an economical mode of securing their houses. Let them purchase some old iron hoops, and have them nailed at the back of the panels as here shown in (No. 2); should they have any beer-barrels by them, by all means use the hoops for this purpose; and burn the staves to boil their kettles.

I would also take the liberty of suggesting to young ladies, when they feel fatigued with their "crochet-work," that they

No. 1.



No. 2.



might draw some pretty pattern (see No. 1) on the panels of the parlour-shutter, and do a little "*nail*-work." With a sweet little dear of a basket of nails, and a little love of a hammer, they might (taking care not to knock their dear little fingers)

do their papas and mamas good service—for the housebreakers' sharp-cutting instruments dislike to meet a *nail,* as much as anything.

Young gentlemen might also amuse themselves this way upon a rainy day. I give this *advice* playfully—but I mean it seriously. I spoke of parties hesitating at the expense of wrought-iron linings, &c., &c.; but upon second thoughts, I am satisfied that this will not be of the least consideration to any one. A people who expend about fifty or sixty millions of money annually in alcoholic drinks, will surely never hesitate to lay out a few shillings or pounds to protect their lives and property.

It is an old saying, and a good one, that

> "A yelping dog and a flickering light,
> Will keep your house from thieves at night,"

but the faithful little animal *may* be stolen or tampered with, and the light *may* go out. A bell, dependent behind the door or shutter, is a very good thing in some cases; but too much dependence should not be placed upon it;—it *may* be muffled—the thieves do this sometimes—or *may* not be loud enough to awaken the sleeper. Any sort of alarum may be used, of course, provided persons do not *alarm* themselves by them unnecessarily. I must not omit to state and to *assure* timid persons, particularly those residing in towns or cities, should their houses be attacked, that, if they open a front window, and call "Police!" the thieves will fly instantly: there is no greater coward than the thief when he thinks he is likely to be taken.

It is a general notion that, when a great many house-robberies take place together, it indicates a distressed state of the country, and that men are thus driven by want to the commission of these offences. This I unhesitatingly deny to be the fact, and I am supported in this denial by the best information and the best authority—all the burglaries are committed by a set of idle, dissolute vagabonds, who pass nearly the whole of their time between the beer-shop and the gin-palace,* from whence they always go, under the influence of drink, to commit their robberies, and to which places they either send or go as soon as possible after their return, and where they generally spend nearly *all* the produce of their plunder. It is impossible to conceive a more degraded, mean, rascally, and unmanly state for human beings to live in, than do most of these cunning, artful, but wretched and mistaken creatures, who only change

* It is a curious fact, but I do not believe that a thief was ever traced to a cook-shop, or from a cook-shop, or a baker's, or a butcher's: no, always the *public-house.*

this state of miserable slavery to their appetites and their passions, to become, perhaps, prisoners for life, or to end with shame a life it seems a pity should ever have begun. But they are a desperate race; and whilst these savages of the *back streets* of cities remain in this wild state we must use "the art of self-defence," and, by our skilful contrivances, try to "stop the thief."

To some persons it may seem rather out of place here for me to allude to the subject of total abstinence from intoxicating drinks; but "Thieving" and "Drinking" are so mixed up together, that it seems almost impossible to speak of the former without touching upon the latter. It is the hope of the total abstainer, that, *when* the drinking habits of society are utterly abolished, and the lower classes educated, these together will go far to put a stop to thieving and acts of violence. This may be doubted; but has not the work begun?—in the "Ragged Schools," and in what are termed "The Juvenile Temperance Bands of Hope." In the one, we find children, who would formerly have grown up most likely to be thieves, beginning, for the *first time in their lives* in this "Christian land!" to hear and to understand something of Christianity!—and to feel that "Honesty *is* the best policy." On the other hand, we find that there are thousands of children who are not only receiving religious education, but who totally refuse—and it is to be hoped, ever will refuse—to take any kind of intoxicating beverage. Now, if the men who are engaged in these good works are doing anything, they are most assuredly to a great extent putting a stop to thieving. They may not be able to stop all or any of those youths who have *grown up* as thieves; but when we see a school-class of young reputed thieves reading the New Testament, it is surely a most extraordinary sight, and a circumstance from which *good* may come, but of *evil*—none.

In conclusion, as the "festive season is now approaching," as the "waits" say, I take this opportunity of wishing my friends and the public generally "a merry Christmas and a happy New Year." At the same time let me remind them, that about this "festive season" is also the season for housebreaking; and therefore, before they sit down to enjoy themselves, I trust that they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.

Bradbury and Evans, Printers, Whitefriars.

# PAT'S APOLOGY;

OR,

"ENGLAND THE WICKEDEST PLACE IN THE WORLD!"

---

LONDON:
WERTHEIM AND MACINTOSH,
PATERNOSTER ROW.
RICHARDSON, ST. ALBANS.
1850.

E.

LONDRES:
BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.
1850.

this state
passions, t
shame a lif
are a desp
*streets* of c
of self-defe
the thief."

To some
to allude t
drinks; b
together, t
without to
abstainer,
abolished,
go far to
may be do
Schools," a
Bands of H
merly have
the *first t*
and to unc
"Honesty
there are
religious e
hoped, eve
rage. No
are doing
putting a
or any of t
we see a s
Testament
stance fro

In conc
the "wait
and the pu
Year." A
"festive se
therefore, before they sit down to enjoy themselves, see that they
they will, from what I have stated in these pages, see that they
have well secured their houses in every part, for the protection
of themselves and their families.

GEORGE CRUIKSHANK.

Bradbury and Evans, Printers, Whitefriars.

# PREFACE.

"YES, a preface would look much better than a blank leaf," I thought, when the idea was suggested to me; but then what was to be done? The manuscript was in the hands of the printers, and contained so many *little* prefaces, I felt afraid I should say the same things again in *advance*, and thus set out with a blunder which would surely gain the name of "Irish." While pondering on this subject, my eye rested on an old-looking book; its cover was unknown to me, and *of course* I was curious to see the contents. By what is *called* the "*merest accident*," I opened it at a part which rivetted my attention. I had found a "preface!" The volume was composed of a miscellaneous collection of all sorts of things; but it

LONDRES:
BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.
1850.

this state
passions, t
shame a li
are a des
*streets* of
of self-defe
the thief."

To some
to allude
drinks; b
together, t
without t
abstainer,
abolished,
go far to
may be do
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, eve
rage. N
are doing
putting a
or any of
we see a s
Testamen
stance fro

In conc
the "wai
and the p
Year."
"festive
therefore, b
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



was a "Sermon preached in Ramsgate Chapel, in May, 1822," which saved me from all further perplexity as to whether a blank page or a preface should follow the title-page of "Pat's Apology."

"In relieving the necessities of Ireland, I need not, my brethren, remind you that you are lending aid to a people who want neither feeling, sense, nor gratitude; I need not remind you that we have to do with an intelligent and generous nation, however their spirit may now be partially broken by extraordinary suffering and calamities." I am sure I could write nothing more to my taste than are these few words; and I hope my dear Irish correspondents will like them, and that the kind English friends who have hitherto helped in their poor neighbours' cause may feel an increased zeal in their favour.

*January*, 1850.

Bradbury and Evans, Printers, Whitefriars.

## PAT'S APOLOGY.

My first interest in Ireland and the Irish was excited by the works of the late Charlotte Elizabeth, that zealous advocate for a people so loved and pitied by her who once as much disliked and despised them. My first letter to Ireland was to the Rev. Charles Gayer at Dingle, and the first money I sent was for the Mission at that place. Though I was formerly quite indifferent to the state of Ireland, knowing nothing of the character of her people nor of the history of her wrongs, I had not the rooted aversion of the talented authoress, whose own words, from her "Personal Recollections," shall speak for themselves.

"I was bound for Ireland! what English

LONDRES:
BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.
1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-def
the thief.'

To som
to allude
drinks; l
together,
without t
abstainer,
abolished,
go far to
may be do
Schools,"
Bands of l
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, eve
rage. No
are doing
putting a
or any of
we see a s
Testament
stance fro

In conc
the "wait
and the p
Year." A
"festive s
therefore, b
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



young lady had ever studied the history of that remote, half-civilized settlement called Ireland? Not I, certainly, nor any of my acquaintances; but I took it for granted that Ireland had no antiquities, nothing to distinguish her from other barbarous lands, except that her people ate potatoes, made blunders, and went to mass. I felt it a sort of degradation to have an Irish name, and to go there as a resident; but comforted myself by resolving never in any particular to give into any Irish mode of living, speaking, or thinking, and to associate only with such who had been at least educated in England."

Many letters have followed that first one to Dingle; and if, from the intercourse thus established, as strong a revulsion of feeling has not taken place in my mind as personal intercourse caused in that of Charlotte Elizabeth, I am sure it is not less decided; and I find myself, I believe, almost as anxious as she was, to place the Irish character in a favorable point of

Bradbury and Evans, Printers, Whitefriars.

view. Having shewn how thoroughly she could dislike, I must from the same volume borrow her own affectionate words to prove her love. "I had now been in Ireland five years and three months, and with what different feelings did I prepare to leave its green shores from those with which I had first pressed them! unfounded prejudice was succeeded by an attachment founded on close acquaintance with those among whom I had dwelt, contempt by respect, and dislike by the warmest, most grateful affection. I had scorned her poverty, and hated her turbulence. The first I now knew to be no poverty of soil, of natural resources, of mind, talent or energy, but the effect of a blight permitted to rest alike on the land and people, through the selfishness of an unjust, crooked policy that made their welfare of no account in its calculations, nor would stretch forth a hand to deliver them from the dark dominion of Popery. Their turbulence was the natural fruit of such poverty, and of their being wholly left

LONDRES:
BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.
1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-de
the thief.

To som
to allude
drinks;
together,
without t
abstainer,
abolished
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testamen
stance fro

In conc
the "wai
and the p
Year."
"festive s
therefore,
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



under the influence of a party necessarily hostile to the interests of a Protestant state, and bent on subverting its ascendancy. What Ireland was I too plainly saw; what she might be, I clearly understood; and the guilt of my country's responsibility lay heavy on my heart as I watched the outline of her receding coast."

Of course my "many letters," and the sums entrusted to my care by sympathizing friends, which were often their accompaniments, brought letters in return, and with the permission of the writers of these (in most instances) interesting documents, others have shared with me the pleasure of perusal. I cannot bring forward the usual plea of having been *requested* to make at least parts of the Irish side of the correspondence public, the *whim* being quite my own; but I have heard enough said by those who have read the characteristic touches they contain, to encourage me to hope they may help to remove an "unfounded prejudice," and

Bradbury and Evans, Printers, Whitefriars.

create an interest for the "blighted land and people." This little "Apology" of Pat will be small enough perhaps to tempt some to read, who would not think it worth while to begin a large work on the worn-out subject of Irish grievances; and I can promise not only the sentiments but even the spelling is literally copied, such portions only being omitted as relate to family, or business concerns. This *genuineness* will, I hope, ensure an interest for some, who would be very much surprized if they could hear half I have heard said in recommendation of their spirited descriptions, meant when written for none to read but myself. As my little book is to be made up of extracts, I shall take a thrilling piece from a speech of the late Mr. Sadler in the House of Commons, August 1831. No one I believe will read it without admiration of one kind or other. It should be premised that some honorable member had denounced what *he* termed 'Irish idleness.'

LONDRES:
BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.
1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-de
the thief.

To som
to allude
drinks;
together,
without t
abstainer,
abolished
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testamen
stance fro

In con
the "wai
and the p
Year."
"festive
therefore,
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



'So far from this character of the Irish people being just, I declare it to be totally the reverse, and as ungenerous as unjust. I ask, who dares to say that the working classes of Ireland are naturally idle? Do they not search the empire? Do they not traverse a boisterous sea for a few weeks' work? Are they not to be found in every market the most anxious competitors for labour? And do they not willingly accept that which the squeamishness of others induces them to refuse? Why, sir, do we not see them at the bottom of our mines, in the depths of our sewers? Do we not see them bear their burdens to the tops of our highest buildings? do they not endure the fiercest heat of our forges, and are they not in our harvest fields at present, labouring and toiling with all their strength, and living at the same time with the rigorous sparing of ascetics? And these are the men whom I hear with indignation charged with idleness, while they wear out their frames in order to carry home their scanty wages in their miserable and tattered garments. Yes, I say they give up every appetite and return to their homes with their wages, thus hardly earned, in their hands, and alas! all goes to some distant landlords for the patch of ground that is to afford a half subsistence, and for the wretched cabin that is given as a mockery of shelter. And yet this is the people who are called idle, by those economists who are only fit to be the ministers of the tyrant of old, who when his suffering people complained of their

Bradbury and Evans, Printers, Whitefriars.

distress, turned round and said to them, 'Ye are idle, ye are idle."

I will introduce at once the letter which gives the title to this book, and though in its way the "Apology" cannot be deemed a bad one, before I have done I hope to bring from abler reasoners than "Pat," some other apologies more satisfactory for the less amiable features of the Irish character. My friend the wife of a Clergyman in the south of Ireland became my correspondent during the grievous famine, and I have been delighted to watch her persevering energy for benefiting the poor around her. After discussing various orders for her beautiful embroidery, she thus speaks of her country and fellow-country men.

"How sad it is that the Irish, go where they may, are always in the thick of mischief! Should it not lead Government to give them a Scriptural education, to make them good men and better subjects? instead of which, to please the Roman Catholic priests, the Bible is made a sealed book in the National schools, added to which, they have increased the grant to Maynooth College,

LONDRES:
BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.
1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-de
the thief.

To som
to allude
drinks;
together,
without t
abstainer,
abolished
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honest
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a
Testamen
stance fro

In con
the "wai
and the p
Year."
"festive
therefore,
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



which being a hot bed of wickedness and sedition, sends out, thro' the priests a stream of poison, the result of which is now evident to the world; is not this a pity? for in truth Paddy is made of the very best materials; graft him on discipline, and where is his equal? either as a soldier, or a policeman, he is brave and loyal, and tho' his idiosyncrasy makes him inferior to the Englishman as a sailor, he is not the less faithful to his trust, and whether he doffs the blue the green or the red jacket, Pat is unquestionably a good servant, and a respectable member of society; but my dear Miss H—, on the other hand, when my unfortunate countrymen, fresh from the hands of their priests, and tutored in the anti-scriptural national schools, cross the channel in search of employment, they come into contact with the very worst and lowest of their species, and having left their country, because of an unsettled temperament, they find the soil congenial, take root at once, and become *eminently* wicked. A little time since I was in conversation with a very clever tho' illiterate man, who has been in our employment these 20 years. I was endeavouring to impress him with kindly feelings toward England, and pointing out how very ungrateful the nation had been, and how they had injured themselves by the pike movement, &c. He looked very steadily in my face and said "sure, Mame, the world knows, and you know as well as every one else that England is the *wickedest* place in the world." This was a somewhat broad assertion, and with

Bradbury and Evans, Printers, Whitefriars.

much surprise I begged Pat to tell me his reason. "Why, Mame, you know that every bad and roguish person in the parish, and in every other, is shunned by the neighbours, and turned out of their houses. He goes to England, where they have a *good welcome* for him, and there he gets as fine a life as any gentleman. Now, Mame, the likes of him would have no business to stay here, for he would starve, and people would throw stones at the like, if they stuck to the place, for they would have *no call* to wicked people; it is therefore quite plain, that England must be a *very bad country*, or they would turn out the likes as the Irish do."

Poor Pat's reasoning was certainly one-sided, but his conclusion was fair enough, I therefore took him on his own ground, and said,

"Well, Pat, you say the English are very wicked for admitting the bad people into their country, and instead of Indian meal, giving them roast beef, and plenty of good things, but what do you think they say of you in Ireland?"

"What, Mame?"

"They say the Irish are the very worst and most wicked people on earth, because every one who comes from the country is bad."

"Sure that is why we turn them out."

"Well Pat, they do not know that, and you have less right than he to say he is bad, because he is kind and hospitable, and shares what he has with every one in distress, leaving the laws to punish the wicked."

LONDRES:

BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.

1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-de
the thief.

To som
to allude
drinks;
together,
without t
abstainer,
abolished
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to ur
"Honest
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a
Testamen
stance fr

In con
the "wai
and the
Year."
"festive
therefore,
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



"That is thrue for you, Mame, and God bless them all!"—

Soon after this "apology" for the poor Irish thinking less well of us English than we are apt to fancy we deserve, I was furnished with a fact which excuses much of the prejudice with which the English residents are regarded, a prejudice so strong that it naturally, in the minds of the untaught and benighted poor Irish papists, becomes a rooted aversion. This is from the same pen, and written soon after the murders of Major Mahon and Mr. Lloyd.

'I do not wonder at England feeling disgust at the country, for we who in a measure are part and parcel of it partake in those feelings as strongly as they do, indeed until the famine brought us into contact we were perfect strangers to their true character.

They have however some fine traits, and if they were under the influence of Gospel teaching would be a noble people.

The murders are indeed awful: happily for us this locality is peaceable, and there is no leader to set them about mischief. If I had the pleasure of seeing you I would explain in a few minutes

Bradbury and Evans, Printers, Whitefriars.

the exact position of the Protestants and Roman Catholics, the landlord and tenant, the Clergyman and the priest towards each other, and then you would not be surprised at what is daily passing in this unhappy land; in a word the Protestant is looked upon first as "the conqueror," the intruder, the stranger; his lands if he possess property, are considered as not his, being mostly forfeited, and the gifts of the crown from Henry 8th. down to Charles 2nd. There is not an acre of such property in Ireland but there is a register kept of the family to whom it ought to belong, and the people fondly look forward to the period when a rebellion will place them in their original hands; though many of the would-be landlords cannot speak a second word of English.

I saw one paper of the kind relative to Lord Carbery's property, and was assured that the peasant, ignorant and simple as he may appear, teaches his son to despise the intruder, and the heirship is as regularly handed down as if he were in full possession of his honors. You see, therefore, dear Madam, that ours is a work of difficulty; we have to go against the tide, while all the elements are against us, and such is their prejudice that when they receive favours and benefits from our hands, they think we have a selfish motive for our actions, and deserve no thanks. The greatest word of reproach is to call their opponent a "Sassanah" meaning a Saxon in English, and it is synonymous with Protestant.

LONDRES:

BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.

1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-de
the thief.

To som
to allude
drinks;
together,
without t
abstainer,
abolished
go far to
may be d
Schools,"
Bands of
merly ha
the *first*
and to ur
"Honest
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a
Testamen
stance fr

In con
the "wai
and the
Year."
"festive
therefore,
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



I fear you will have thought me very prolix, but the kind interest you take in us has induced me to scribble my thoughts, which however I do in a great hurry, having very much to occupy me, and but very little time.'

I hope my readers are now ready to allow much, very much, for the so-called ill conduct of our neighbours, and will be disposed to follow my dear friend through several more letters of amusing characteristics, written purely to gratify one whom she was pleased to judge sincere in her expressions of interest for those in whose welfare she herself was so intensely engaged. This letter began with reasons for a piece of embroidery being less delicately clean than I had been accustomed to receive. The rough appearance of the worker had at first forbidden all hope of her ever accomplishing anything of the kind; but her tears and prayers for a trial prevailed with one who has proved she is not easily discouraged in her efforts to do good, and all difficulties were soon mastered by this poor girl, who from the first

Bradbury and Evans, Printers, Whitefriars.

declared she always succeeded in everything she undertook.

"If you observe the Irish, you will invariably find they have small hands; it is one of their characteristics; the Irish leg is however heavy and thick; here the English are superior, but in hands, the Irish are beyond them: they certainly are a clever people; our carman cannot read or write, yet in his weekly visits to Cork he transacts his business as well as if he were the best scholar of the day; how he contrives to do what he does surprises me; no one could puzzle him; he lately took the temperance pledge, and on my asking him how he felt, he said "Please your Honor, I am for all the world like a *waned* child, and with the help of the Almighty God, I will never touch the Dhrink again, while I live." If I saw you, I could give you many little characteristic anecdotes of the poor Irish peasants, many of which exhibit fine traits. The virtue of the female stands prominent. If any thing wrong ever occurs, she is hooted out by father, brothers and cousins, and has to fly to England; vice of that kind is held in abhorrence, and in rural districts is seldom met with, nor will an Irishman marry any girl who is in the habit of visiting England in search of work: he is well aware that she has been thrown into bad company, and he considers her purity gone; they marry *very* young; the girls from 16 to 20; the men from 18 to 25, but when a young girl is so unfortunate as to reach 25 without

LONDRES:

BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.

1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-de
the thief.

To son
to allude
drinks;
together,
without t
abstainer,
abolished
go far to
may be d
Schools,"
Bands of
merly ha
the *first*
and to ur
"Honest
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a
Testamen
stance fr

In con
the "wai
and the
Year."
"festive
therefore,
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



a husband she is called a "stale bachelor." I am sure you will smile, as I always do when I hear the term; a flirt is called "a great bachelor" a widower, "a widow:" of course I speak of the Irish peasant. Some time or other I must tell you the way they marry: you will scarcely believe it when I do. They are very superstitious; the stoutest man would be afraid to walk out after dark, lest he should meet with a fairy or a ghost; he will only do so in company, and with a large stick; he however never acknowledges the weakness to the gentry, it being an understood thing amongst themselves. I feel I am tiresome, so I conclude with a thousand thanks for all your kindnesses, and a hope that you will kindly return me whatever you do not like, and without the smallest delicacy. Ever yours. &c.

I little thought what a task I was imposing on my friend when, some time after I received this, I reminded her of her promise; and, true to her word, though I think she really must have been sorry she ever mentioned the subject, I very soon was in possession of the following particulars, almost too absurd for belief, if they had not been furnished by one who is so intimately acquainted with the "manners and customs of the Irish."

"You ask me to tell you how the peasantry of

Bradbury and Evans, Printers, Whitefriars.

this locality marry : well, a " strong farmer" i. e. a rich one, has four daughters and three sons. Christmas has passed and January follows : now Shrove begins : it terminates on Shrove Tuesday ; the season is a most auspicious one to the young people, for at that time alone they marry, or think of marriage; the farmer determines on settling one of his daughters, and this is alway done by seniority; he goes to the market town on market-day : hundreds like him, and on the same errand, do the same, some having sons or brothers or cousins to provide for, such delicate matters always being conducted by a third person, usually the nearest relative.

Our farmer, of course bent on making a good bargain, enters into communication with many parties; he is prepared to show the fortune, having it in his pocket, for, shame to Paddy, he always requires a dowry with his wife. When the farmer thinks he has met with the thing he wants, or is likely to come to terms with a prosperous speculator, they adjourn to a publichouse and talk the matter over; say, they are two fathers, or a father and a brother: they may agree or mayhap a little too much whisky may make them quarrel, but usually things of the kind are conducted with quietness, they leave the *noise* for the wedding.

The parties leave the public house and go about the town in search of the bride elect : she is usually found standing by a wall, picking out the pieces of mortar or stone. She looks shy: one

LONDRES:

BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.

1850.

this state
passions,
shame a l
are a de
*streets* of
of self-def
the thief.'

To som
to allude
drinks; l
together,
without t
abstainer,
abolished,
go far to
may be dc
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a
Testamen
stance fr

In con
the "wai
and the p
Year."
"festive
therefore,
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



look is enough, she is "a fine big slob of a girl" that is, a great beauty, or she is "a fair fox," better still, if not the perfection of beauty.

A *little* woman has no chance; all this is well, but the money is still better, "ten pounds in gold," a featherbed and two bolsters, one for the foot and the other for the head, blanket and sheets all home-made, two sheep, plenty of clothes, the latter being visible, she having taken care that each garment should hang a little below the other, so as not to be overlooked. Such a prize is only to be had by the highest bidder, the man who was so warmly commended by the farmer has been already superseded, a better offer has been made by the cultivator of so many acres who has a son to dispose of, and who is willing to give half his farm to his son, in lieu of the £10 &c: the farmer adjourns again, he his better pleased, and strikes the bargain; just however as he is leaving the town, a more eligible offer is made by some one else; the former bargain is annulled, and the parties are to meet next market-day for the final arrangements, first, however, the farmer giving the lady's dowry to the young man, who is found in some other part of the room anxiously awaiting the result of the cogitation between the wise heads; he pockets the money: the bargain so far is made, and the farmer promises in addition to "clear him of all expences," that is, to to pay the priest and to purchase the wedding feast, for strange to say the girl always pays the priest. On next market day the parties meet again; the

Bradbury and Evans, Printers, Whitefriars.

girl then, perhaps for the first time, being introduced to her intended husband; but, faithless man! another relative or perhaps the same who so nicely settled all these late matters for him has found that he can do better. He has just had an offer of £12, &c., no small difference, and he is a "grand match" and deserving of something good; his friends then make the *better* bargain, leaving the farmer to go over the same road again, and settle it in the same way. The girl is married to some one else to-morrow or the day after, provided it be not on Monday, Wednesday, or Friday: of course the money has been honorably returned, and always is. The parties may be married as I say, or they may be making and breaking matches in this way all the season, each party being understood to do the best they can for themselves, and no offence; or one party may be bargaining with the other, the man's father getting what he can from the girl's father, till they come to terms, and instead of £10 he may give £15, and in the end "split the difference," and the marriage takes place. Matters go on in this *quiet* way from, say, February till a week before Shrove; as the season comes to a close, business thickens, and instead of ten we have twenty weddings. Shrove Tuesday now comes, *the last* day; now or never. Those who looked on marriage with a careless eye, now behold it as the only thing to be thought of, "the last day and all." The town fills, public houses are crammed, and business, having no time to



LONDRES:

BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.

1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-de
the thief.

To som
to allude
drinks;
together,
without t
abstainer,
abolished
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testamen
stance fro

In conc
the "wai
and the p
Year."
"festive s
therefore,
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



spare, gets on apace; the parties leave their glass to buy the materials for the feast, and that evening for the first time, the bride sees her intended; they are married at twelve that night, the last hour of the last day.

Next year the farmer marries his second girl, or if the first year is good, he may marry two. A farmer dies, and leaves six daughters and one son; he takes the place of his father, marries his sisters one by one in the way detailed, and never dreams of settling himself till they are all disposed of. I have known many instances of a brother, after giving a fortune to each sister year after year, being so impoverished that to provide for the last he has married at the same time, and given his wife's dowry to the sister. What Englishman would do that? Shrove Tuesday in the town is a scene of confusion, music and dancing and singing; old and young seem mad; they go to be married on horses, a man and woman on each horse, the girl with her father or brother, but returns with her husband. They are married at the priest's house, and frequently *these* parties fall out and make matches with others on the spot, nor is it any uncommon thing for a man not to know his own wife tomorrow!

The most surprising thing of all is, that they are the best wives and husbands in the world; and as to propriety, nothing can be greater; immorality except in towns is scarcely ever heard of, and when it is, every relative throws a stone,

Bradbury and Evans, Printers, Whitefriars.

and the victim is hooted out, and goes to England or America. The parties such as I described in the match-making scene, would not listen to a word in behalf of a girl who had been in England; *she* never gets a husband *here*, and never dreams of looking for one, for it is well understood that she has been associated with vice, and her character is gone on match-making occasions. A man often comes to his landlord or priest to ask his advice; he does so when he is puzzled and cannot judge for himself. On one occasion a young man called on the priest and told him he wished his reverence would listen to his recital, and advise him in his dilemma; he was in treaty with the fathers of two girls: one was "a fine fair slob of a girl," with a cow for her fortune, the other had two cows, and that, as far as the girls went, he admired the poorest the most, but that he should be guided by his reverence in the matter. The priest replied by saying, that he knew a great deal more of everything than he did, and that he could assure him on his priestly word that there was not the difference of a cow between any two women in the world. The man retired, thanking his reverence warmly, and the next day he was married to the two cows.

Now, my dear Miss H—, I have given no exaggerated account of these matters, but a plain statement of what occurs every year. The labouring class make matches the same way; all that is required is a sufficiency to pay the priest,



LONDRES:

BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.

1850.

this stat
passions,
shame a
are a de
*streets* of
of self-de
the thief.

To son
to allude
drinks;
together,
without t
abstainer,
abolished
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testamen
stance fro

In conc
the "wai
and the p
Year."
"festive s
therefore, t
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



who fortunately is exorbitant in his demands. The girl contrives to lay by that sum, £3., and the wretched young improvident couple marry, without a hope for the future, but a large family of children. The famine has checked this system among the destitute more than you could fancy; a great blessing; for it has made us what we now are, a land of paupers. I have had my kitchen-maid called for at 9 o'clock on Shrove Tuesday night to be married: a friend having made a match without consulting her: and she has gone off as happy as possible.

They marry very young; when a girl comes to 18, and a boy as he is called to 22 or 20, they are considered eligible.

When husbands and wives, or brothers and sisters, are going to any place, they never walk together: the man is always a hundred yards before the woman; and when in parties returning from market, the same. That is not so strange as when there are but two, one a quarter of a mile before the other. Nor does a man ever carry a child or a bundle: if he is a lone person he takes a girl to carry home his things. I never saw a child carried by a man except in England: they are very peculiar. The funerals are equally so. When a person dies the corpse is dressed in the best clothes—if a man, in his usual garments—with the exception of shoes; they also put gloves on the hands. Should the clothes be shabby, and there are means to do so, they buy new clothes; and it makes the

Bradbury and Evans, Printers, Whitefriars.

person die happy to see the tailor making them for the occasion. After death they are laid out on a table, and all the friends and neighbours assemble, and gossip and make matches, if the season. They are all supplied with whiskey, snuff, and tobacco. The body is now always buried the day after death, the house for the entire night being filled with neighbours, the more the better. If the deceased was rich, a woman is hired to *keen* over him, otherwise to sing or rather chant his praises in extempore verse, in Irish, and I have been told that it is beautiful. They recount all the deeds of their forefathers, and their own deeds, whether true or false, and wring tears from the listeners. The body is placed in a coffin just as the procession is leaving; when men go first, then a few women, then a car with the coffin, and women sitting on and around it; then a large concourse of women follow, each making a frightful noise which they call crying. The women as they walk converse, every now and then joining in the noise, and then resting to talk. There is no grief, of course, except among the friends. Two or three hundred sometimes attend a funeral. The famine has also broken into this custom,—a very good thing, as the people passed half their time in idleness. I think by this time I must have tired you. Your young friends have, I think, heard quite enough of the Irish and their customs; for my own part, I should much prefer being among the more civilized English. Though, in truth,

LONDRES:
BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.
1850.

this stat
passions,
shame a
are a de
*streets* of
of self-de
the thief.

To son
to allude
drinks;
together,
without t
abstainer,
abolished
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testamen
stance fro

In conc
the "wai
and the p
Year."
"festive s
therefore, t
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



the Irish have many virtues of a high stamp, their religion has destroyed them; nor will Ireland ever be regenerated till Popery has had a downfall.

No comments of mine can improve this very original story; but I must here thank my friend again for having taken so much trouble to please me, for now the letter is once more before me, the task of writing it appears greater than ever. She next gives a specimen of the patient endurance which has, during the late grievous trials, been stigmatized as *apathy*. Mrs. —— forms a more just estimate of the quality of *self-denial*, which may be practised by refraining from complaint, as by denying the little, or, to the destitute, great, indulgences to be had for money.

The poor Irish are certainly a very talented people; witness the manner in which my poor girls have learned to work; *you know* when they began last April, and till then not one had ever seen a leaf worked. Their endurance under suffering and privation is almost beyond belief; they never complain, tho' they suffer hunger, cold, and fatigue. I wish to forward a parcel seven

Bradbury and Evans, Printers, Whitefriars.

or eight miles off, say it weighs three or four stone, or double that: I send for any poor woman; she takes it on her back, getting up the moment day appears in the morning; it rains torrents; the poor cloak is drawn over the head a little closer: her only care is to keep the parcel dry: she is wet to the skin. "Oh! she can dry herself." No fire at home. "The Lord God, blessed be his holy name, gives us a fine bright sun that will do the business better." She fulfils her mission, and returns, saturated with rain, and the few scanty rags bearing the name of petticoats being in the warmest day scarcely sufficient to afford tolerable covering; added to which, she has not tasted a morsel since *yesterday*. Give her 6d., or even 2d., or 3d., she considers herself well repaid, and hopes your honour will send for her on all occasions of the kind. I do not speak of present and distressed times. Formerly that poor woman had plenty of potatoes; but she would not wait to have them boiled, and the money received "would buy the *childer* a little milk, so of course was too precious to *waste* on herself." Such as I tell you is a matter of *common* occurrence, and so habituated are we to such things we take it as a matter of course.

I think this a good place to mention a little incident which was related to me by a correspondent "far West." The self-

LONDRES:
BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.
1850.

this stat
passions,
shame a
are a de
*streets* of
of self-de
the thief.

To son
to allude
drinks;
together,
without t
abstainer,
abolished
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testamen
stance fro

In conc
the "wai
and the p
Year."
"festive s
therefore,
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



denial of the Irish seems inherent. I have heard of numberless facts of the same kind; but this one is now before me, and of very recent date. "I was much struck by a poor boy on Friday last begging me to buy a basket of turf for a penny farthing, having carried it eight miles on his back; he said his mother was sick. He spoke English very well, but said when I gave him the money and a bit of bread, 'I wish I had the English well enough to tell you what I wish. But I would send you up to heaven.' He would not eat the bread, though a morsel had not entered his lips that day. This is no rare instance."

The embroidery school of Mrs. — has been several times alluded to. Its success was at once surprising and gratifying; but a difficulty arose with regard to her continuing to assemble the girls in the building where they had been taught and progressed so admirably. I had heard all the perplexity my friend felt on the chance of her labours being thus likely to come

Bradbury and Evans, Printers, Whitefriars.

to a stand still, and was very glad to receive the following:

My dear Miss H—.—Since I wrote last night we have determined on building the room for our workwomen, for, without a great exertion, I would not turn out thirty-six poor people, including the mistress. I could not give you the most *remote* idea of the grief they felt when they thought such would be the case; it really upset me so much I have not yet recovered myself. I shall be much better off, for the poor girls had *very bad* light, and most of them had to sit on the ground. For £25 we could do everything *well*, seats and all. The poor people have offered to draw the stones and slates free, and Mr. — [her husband] gives the ground. God bless you, my dear Miss H—.

Ever yours, etc.

The school-room was built, orders poured in, and just one year and a half after its commencement, when the work could rival that from Paris, and the poor creatures were living in comparative comfort, though their earnings were such as we should call very trifling, popery steps in, and all is confusion. Mrs. — shall tell the tale herself:

My dear Miss H—.—We are just now in a

LONDRES:
BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.
1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-de
the thief.

To son
to allude
drinks;
together,
without t
abstainer,
abolished,
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testamen
stance fro

In conc
the "wai
and the p
Year." A
"festive s
therefore, b
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



very unsettled state. The priest has denounced my school, and the girls are in consequence leaving. How things will *settle* I know not, but at present they look very bad. Our crime is teaching *one* verse of Scripture daily. Popery is a fearful system, and has been the destruction of Ireland.

Our present guest is the member for ———. Our school-house is built on his property, and he has promised me *every assistance* for my school, and takes the most lively interest in its welfare. He gave the girls a feast, also money, and is to bring us patterns of every kind from Paris. All this you will be glad to hear.

In much haste. Ever, my dear Miss H—, yours gratefully,

Soon after:

My dear Miss H.—I am just going off to Cork, so have only time to say that in my present unsettled state about the school I fear I shall be some time before I am able to execute your order. The priests are tearing me piecemeal, have sent away my little artist and *hosts* of girls, and how matters will terminate I know not; the collar is 4s. 6d., the girl who worked it *gone*. I could give you *no* idea of the machinations of popery, all to put down my school lest it should interfere with a Roman Catholic one. I am really sick at heart.

Ever, my dear Miss H—, yours most faithfully,

Bradbury and Evans, Printers, Whitefriars.

The end of this has been the secession of thirty-six girls in all. My friend, not to be wearied in well-doing, has taken a number of young Protestants into the school, which, there is no doubt, will flourish under her fostering care; but there is a weary length of ground to go over again, and a common mind would have yielded in despair. When the work is again what it was, doubtless the sale will be sure; but there are not many who rest satisfied with the performance of learners, cheap though it may be, and the task of the patroness is a most difficult one, that of procuring a remuneration for the time of the poor starving girls. Wishing Mrs. — God speed in her benevolent undertakings, I must introduce a portion of a letter from her excellent husband at the time every energy was exerted by himself and family to keep from starvation the immense Roman Catholic population of his parish. I place it here as an introduction to the more peculiar apology which they of Ireland can offer for their preju-

LONDRES:
BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.
1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-de
the thief.

To son
to allude
drinks;
together,
without t
abstainer,
abolished,
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testamen
stance fro

In conc
the "wai
and the p
Year." A
"festive s
therefore, t
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



dices, from the spiritual destitution in which they have been allowed to remain; and proof that it is no fault of theirs if they have rested content in their darkness, is their avidity to seize and hold fast the blessings shown to them by the Gospel light.

*Vicarage.* 1847.

I cannot say how deeply we feel the unabated exhibition of Christian sympathy and love so generously manifested in behalf of those whose only claim, I grieve to say, on English bounty is their extreme misery. Poor creatures, they are in utter ignorance of all saving knowledge; brought up from their infancy to neglect, despise, and hate the word and revelation of the Most High. The fearful judgment has now fallen on them, and, as might have been anticipated, no softening influence has followed the chastisement. On the contrary, all the evils of corrupt nature, hitherto in a measure latent, are now exhibiting themselves in an almost universal demoralization of all classes; and it is there the beauty and power of Christian principle has practically exhibited itself. "If thine enemy hunger, feed him: if he thirst, give him drink." "Love your enemies, do good to them who hate you, and pray for them who despitefully use you," etc., etc. The very ignorance and blindness of our poor brethren should, and

Bradbury and Evans, Printers, Whitefriars.

I rejoice to say does, animate the hearts of God's people to increased earnestness in their behalf.

The following letter from my dear Miss T— shows the working of the system of darkness too forcibly to be omitted. It was written after the first year of famine, and when the Irish had lost all the sympathy their previous trials had gained for them, when, indeed, a bitterness of feeling in many hearts was awakened for the whole race, by their supposed ingratitude. I am convinced if those who felt this most strongly had been in correspondence all the time, as I was, with pious, reasonable people, their interest would have increased rather than have lessened, and their desire to improve them in spiritual enlightenment would have been commensurate with their interest. Miss T—, the writer of this letter, has published many tracts on the leading errors of Popery. They abound in scriptural references such as delight the Irishman when repeated to him in his own language, or when, by dint of perseverance, even at the most advanced age,

LONDRES:
BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.
1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-de
the thief.

To som
to allude
drinks;
together,
without t
abstainer,
abolished,
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honest
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a
Testamen
stance fro

In con
the "wai
and the p
Year."
"festive
therefore,
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



he has learnt to spell them out in the Irish Bible, an unknown book in Ireland till a comparatively recent period. This love of their native language is a feature of great worth in the matter of improving their spiritual condition. I will defer the letter to introduce a passage from the "Irish Intelligence," for January, 1850 (a valuable little work, by the way, and only one penny expence per month), which will show its powerful effect on the minds and actions of her peasantry. It alludes to time closely following on the political union of fifty years ago, when, unhappily, no measures were taken to make the countries *one* in the Gospel of Christ.

Roman Catholic farmers and peasants petitioned for instruction in the Irish Bible, and asserted their "inalienable right to read it." The setting sun witnessed young men and maidens, old men and children, leaving their homes to steal, under cover of the shades of evening, to the lonely cabin on the mountain-side, to "search the Scriptures" by the light of the bog-wood splinter. Daring and ferocious Ribbonmen, bent on deeds of blood, and mad against the Protestant faith, met with "the

Bradbury and Evans, Printers, Whitefriars.

strange book," and read it, and became "clothed and in their right mind," and were found "sitting at the feet of Jesus." A remote peninsula received the seed, wafted by the gentle winds of almighty love, and congregations arose to worship God "in spirit and in truth," who before were "bound in error's chains."

A rebellious outbreak takes place, and thousands of the Irish peasantry are tempted to take part in it. *But not one of the pupils or teachers of the Irish Society engage in it. They have read the Irish Bible, and have felt its power.* As one peasant-man remarked, when he was asked why he kept on his hat while the Bible in *English* was read, but took off his hat and was attentive while the Bible in *Irish* was repeated to him, "My *ear* heard the English Bible, but my *heart* listened when it was read in Irish." The Irish Society extended its missions, believing the gospel in the native tongue to be the key to the Irishman's heart. The Roman Catholics, braving the denunciations of the priests of Rome, flocked to the standard of the Cross wherever it was planted by the Irish.

**Now let us, in my friend's letter, see the effects of the blindness fostered by those who reap its baneful fruit.**

I am not surprised at the feeling experienced against the Irish, but I wish the burden fell upon those who really deserved it. We all of

LONDRES:

BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.

1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-de
the thief.

To som
to allude
drinks;
together,
without t
abstainer,
abolished
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testamen
stance fro

In conc
the "wai
and the p
Year."
"festive s
therefore,
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



necessity must act upon impression. A wrong impression leads a faithful Christian protestant to turn to God's word and prove all things; but where can a poor Irish peasant go? It is upon the leaders of the blind we should let displeasure fall. On the first giving out of English benevolence every poor man's heart was turned to the Saxon giver with unbounded gratitude, so that the cry was, "Your religion is the best: I will go to church," etc., etc. Blessings followed our steps. But soon the feeling changed. Demetrius-like, those who guided the people found that their craft was in danger. So first a suspicion of the givers was put into the people's mind, that not the half that was sent was given to them, so that it was said to Mr. H—, the clergyman of ——, "I know with what money you built your house." Then the people understood the Queen owed them a great deal: she was only paying back what had been borrowed, while she gave relief. And then any convert was sure to be sent by the Jesuit direct to hell, if he died, to make the congregation *horror-struck* at his reading the Bible and departing from the only church in which salvation was to be found. The implicit confidence of the poor peasant in his priest makes him give his ears to hear, to all their statements, and the reaction of ingratitude is the consequence. The Government, as if to foster everything which is opposed to English *principle*—and therefore influence—establish schools where the Bible is not

Bradbury and Evans, Printers, Whitefriars.

to be read (called the National Board of Education), unless the master, *here* the *priest*, permit. And in that voluntary society called the Church Education Society, they throw the damper of *refusing all preferment* where the minister loves his Bible and supports that system (namely the Church Education Society, where the Bible must be read), while all ministers who support the National system (the anti-Bible) get places and are cherished. Thus the poor peasant has the door of the sheepfold slapped in his face by English Protestants, yet, notwithstanding this, many have been led by the late famine to think we may not be altogether on the road to hell, and have asked for Bibles, and come to schools. One little girl, Kitty Reilly, of our school, is now houseless because *she will read the Bible*. Her brother was very ill; the priest was sent to give him extreme unction. He said when he came, "No wonder the man should be ill, when the devil (meaning Kitty R.) was in the house;" and he would not give the church's rite till the brother promised to hinder Kitty from going to school. When Kitty came in she refused to keep to the promise. One brother caught her by the hair, another took up the shovel to kill her, so her mother gave her her blessing, and bade her go wherever she could find shelter. Pray encourage every exertion for the spiritual exigencies of Ireland. I trust the Lord is at work, though the trial is hard.

Ever, in true affection, Yours, ——.

D

LONDRES:

BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.

1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-de
the thief.

To som
to allude
drinks;
together,
without t
abstainer,
abolished
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testamen
stance fro

In conc
the "wai
and the p
Year."
"festive s
therefore,
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



Kitty Reilly has, through the kindness of her friend, been placed where she has been trained to teach others the truths she herself holds so dear.

In consequence of some little present I sent to one of the Irish Scripture readers, well known to my last mentioned friend, I received a letter from him which gave me an opportunity of gathering many authentic particulars relative to the manner in which these devoted men make their way, in almost barbarous districts, in the face of persecution, and in the prospect of a violent death.

An imaginative brain, and able pen, might work out a very pretty tale from the materials these letters afford. They might begin with Bridget and her meek-spirited brother, engaged in the Maharees (how it sounds like heathenism!) Mission, the persecution they suffered, and the subsequent murder of the poor Pat. N—. Then they might describe Bridget as the wife of the Scripture reader, S—n, and follow the pair in their visits of love to the

Bradbury and Evans, Printers, Whitefriars.

poor converts or those as yet *seeking* only for the truth, and describe the gathering under the cover of darkness in the reader's humble dwelling to hear the Irish Bible read. A letter comes from America, to gladden the heart of a poor old man of the party, and his simple faith rises in aspirations of gratitude to the Giver of all good for the timely relief it contains. A fine specimen of Irish resolution (query, *wilfulness*) is to be seen in the boys' deserting one school for another because they liked the singing; and the influence of the truth on their parents, who allowed them to remain, might be dwelt on with advantage. Then a touching scene, to raise compassion for the poor mother who, in her superstitious ignorance, will sacrifice her innocent babe, hating it for its very weakness.

And how fancy might describe one and another inquisitive countenance peering at the "Picture," while inteiligence lights up the weather-beaten and homely features, as the "truth so beautifully set forth"



LONDRES:

BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.

1850.

this state
passions,
shame a li
are a des
*streets* of
of self-def
the thief."

To som
to allude
drinks; b
together,
without t
abstainer,
abolished,
go far to
may be do
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testament
stance fro

In conc
the "wai
and the p
Year."
"festive s
therefore, b
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



finds its way to their comprehension, and the face of their teacher, with conscious superiority, may be supposed to evidence his anxiety that they should feel as well as understand the contrast before them. But here are the letters, nothing altered. If the expressions are sometimes strong they are not the less sincere; arising, too, from an Irish heart, they are part and parcel of the Irish character.

20th December, 1848.

Honoured Miss H.—Having received so much of your Christian kindness whilst living at B—, gratitude should have obliged me to return your honour my heartfelt thanks, long ere this, also to shew your honour how your kind and sundry aids, together with dear Miss T—'s, enabled me to live in a town of extortion, which arose from persecution. The Lord did a great deal at B—; the tracts which Miss T--- sent me, and tracts which were sent from England by some Christian friend, caused a great spirit of inquiry, and much good was done; but now the Popish priest has that delightful field to himself, as there has been no reader sent there after me. Neither does the rector of that parish reside there; his residence is ten miles from B—. But now I must obtrude myself on

Bradbury and Evans, Printers, Whitefriars.

your honour's goodness, whilst I give you an abstract of the converts of this place. There are a great number of them here, and very few of them can speak or understand English, and the clergyman does not speak or understand Irish; yet he is a very zealous and good man. The poor people feel very happy since I came amongst them, as my wife and I read the Scriptures in Irish for them. There are a great many well-meaning men among them, and we find them most anxious to know the truth as it is in Jesus. Seeing their great thirst for learning, &c., we opened a night school for the adults who live convenient, and there are thirty in regular attendance, besides young boys and girls; there are nine of the adults beginning to read English, and the rest are spelling words of three syllables, and our school is only opened for the last five weeks. On Sunday the 17th inst., in the evening, my wife read the third chapter of St. Matthew's Gospel in Irish, with general remarks and questions on what arose out of the chapter: There were forty-two converts present, who answered in the Irish tongue pretty well. Some time after prayer, a man named Timothy Shea said to a man named Mick Dwyre, "Mick, I fear you must soon stay within from church every more (other) Sunday; your ault (old) clothes aur (are) so worse (bad)." Mick said, "Indeed Tim, that is very bad think you make of me, and I am fraed that the Holy God that saved poor Mick from

LONDRES:

BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.

1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-de
the thief.

To som
to allude
drinks; l
together,
without t
abstainer,
abolished,
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testament
stance fro

In conc
the "wait
and the p
Year." A
"festive s
therefore, b
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



the fever ant the hunger, never beat (put) that nugly (bad) think (thought) into your head." Mick added, "If you thinked of what Mrs.— readed now, you see that my close are gooder than Johnny Baptist's close, for his coat was a horse's hairy coat, tied wid leather straps, and I have good close to get from my Holy Jesus when I will be leaving this world." Mick put them all to silence. Since I came here, we have endeavoured to shew them that it is through the imputed Righteousness of Christ they must be saved, therefore your honour will see that Mick meant by his last quotation that he will hereafter be clothed with the righteousness of Christ. I find that they speak sound Scripture language. Though it is bad and broken English, yet it is the real literal translation of the Irish, and very few of them attempt speaking English at all, but since I opened a night school I am trying to make them speak English. I have read part of the 8th of Romans, with remarks which lead to read the 6th, 8th, 9th, 10th, and 11th verses of the 5th of Romans in Irish; after some suited remarks on what I read, Mick began to laugh and said, "I am a happy man, because Christ has made second friendship for me with God, by His blood."

Your honour will see in the 6th verse we are without strength: the 10th verse shews we were enemies, and the 11th verse shews the atonement or second friendship, that is, the word atonement translated from the Irish is

Bradbury and Evans, Printers, Whitefriars.

understood second friendship. So your honour will see how expressive the Irish is. I shall only trouble your honour with one portion more, that is the 2nd verse of the 20th chapter of Revelations. Serpent translated from the Irish is father of poison, so that Irish-speaking people are led to see that their souls are poisoned, and the only medicine is the blood of the lamb. I fear I have trespassed too long on your honour's invaluable time. If your honour should wish to hear at any time how the Lord's work is going on here, I shall be always ready and very happy to give you every true account.

Honoured Miss H.—I have great pleasure in replying to your honour's kind letter of the 13th, which I received on the 20th instant. Now, Miss H, —— is ten miles from this place, and it was just 10 o'clock at night when I received your honour's letter. I was in the act of reading part of the sixth chapter of St. Matthew's gospel, and there were twenty-three converts present, and after some remarks on what arose out of the chapter I opened your honour's letter, and commenced to read it. And poor Mick Dwyre burst out into laughter. A man named Timothy Shea said, "Mick, I am great shamed upon your havor (behaviour), and I think you are going mad." Mick said, "I am not mad, but great glad comed down top my heart because my Holy Saviour said, 'Poor Mick, don't let fraid come top your heart; I'll come for you, and you

LONDRES:
BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.
1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-de
the thief.

To som
to allude
drinks ;
together,
without t
abstainer,
abolished.
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testament
stance fro

In conc
the "wait
and the p
Year." A
"festive s
therefore, b
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



will be long a me,'" St. John, 14th chapter, 1st and 3rd verses. Then he repeated the 21st verse of the 6th of St. Luke, and 7th verse of the 1st chapter of the 1st Epistle of St. John, and said, "Now, maybe, I have cause to laugh." No man answered him a word. I told them that the letter I had was from a dear Christian lady in England, etc. While I was showing them how much God's people who live in England are concerned about the spiritual welfare of the poor brethren who are in Ireland, a man came in with a letter to Mick Dwyre from America, having inclosed an order for £4. I read the letter for Mick. It was from his son, who is in America only one year. Mick said, "I thank you, God, for this ; but I thank you four times as many more for telling me that you will have me where yourself will be too." I have of your honour's kindness given to those who needed it most. I gave 1s. to Mick Dwyre, who desires me to tell your honour that he has great love in his heart for your honour, also of Miss T, and to mind ye very well every day and every night whilst ye are in the sleep ; also all the Christian gentlemans and gentlewomans over the nation and country England. The above is poor Mick Dwyre's prayer. There are only a few men here that attempted speaking English before I came here ; and now there are fifteen men and fourteen grown boys who can read pretty well a chapter in a Testament having large type, yet they could barely be understood if speaking from themselves.

Bradbury and Evans, Printers, Whitefriars.

Our church is increasing daily, also our night school; but now there is a very hot fire of persecution blazing around us. The Popish class have raised a fund, and I am sure are aided from other quarters; they have purchased some flour and meal, also some clothes, which they are giving to those who attend at their schools. This they are doing to destroy the Lord's work, and to put down our schools; but up to this time we have lost nothing, although having no inducements, and I am fully persuaded that the powers of hell and darkness will not be able to stop the work of our God. I am very glad to find by your honour's letter that you are interested in the welfare of the Dingle converts. Oh, Miss H., Rev. Mr. Gayer, the ever to be lamented Mr. Gayer, was a kind friend to me. I am afraid that the poor converts are in want: may the Lord raise up friends to them! Kind Miss T. sends me Irish tracts, called the "Glories of Mary," which have under God done a great deal of good both in B— and in this place. I was resolved to send some of them to Dingle, but they are taken away from me very shortly after I receive them,* and this present time I am in great need of a few dozen of them; but I hope very soon to get some more of them from her, with the book which your honour sent to me.

* As some have thought the tracts were taken away by Papists in ill-will, I must observe that it is the spirit of inquiry among them which causes S— to lose his treasures. His letters to Miss — often show this.

LONDRES:

BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.

1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-de
the thief.

To som
to allude
drinks;
together,
without t
abstainer,
abolished,
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testament
stance fro

In conc
the "wait
and the p
Year." A
"festive s
therefore, b
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



I fear I have obtruded myself too much upon your honour's goodness, and now I close, with sincere prayers for your honour's spiritual and temporal welfare, and I remain,

Your humble servant in the Lord,

PAT. S.

P.S. We shall never forget your honour and Miss T. at the throne of grace.

Feb. 9th, 1849.

Madam. I hope your honour will excuse the trouble I am giving you so often in occupying so much of your precious time, disposing of my little knitting, the price of which has been the greatest help to me in times past, together with your honour's kind benefits. My husband and I were much cheered when we received your kind letter, which afforded us much comfort. How much indebted the poor Irish are to our kind English friends, through whose means the Lord is bringing stones to his temple daily. Madam, I am sending these eleven pair of cuffs now, and I shall try and do without what your honour will get for them, and I shall endeavour to make up a dozen more, to get some little clothing for the children and myself, as the times are difficult, that we find it hard to exist on our salary, being £28 per annum. We have four children, girls. Your honour will have the kindness to keep the price of these till I send another little parcel, as it would go from me for other necessaries.

Bradbury and Evans, Printers, Whitefriars.

Kind Christian friend, I feel happy to let you know that there is a great field of labour in this place, and when I can spare a little time I feel the greatest delight in going to visit some of the papists' houses here, as the greater part of the converts come to our night school, There are a number of the papist women enrolled in what they call the order of the rosary of the Blessed Virgin Mary, and they must undergo a task of vain repetitions every day. Blessed be God who has promised that his word shall not return void, has brought home His word with power to their minds, when I am explaining the part of the Lord's prayer, "Thy will be done on earth," and shewing them the difference between the way his will is done in heaven and the way Romanists do it on earth; also how they give ten times more honour to the creature than to the Creator, for in the above rosary they say ten prayers to the Virgin Mary for every one they say to God. Some of them seem much affected at this, and also when I tell them that there was not a woman in the world when God created Eve, as they call the Virgin Mary the Mother of God. I could give your honour an abstract of my proceedings more fully, but I do not wish to trespass on your valuable time; however, I trust the Lord will enable us to tell the people what great things the Lord hath done for us, and that we make use of the talent committed to us, that when the Lord shall return to make account with his servants we may be found

LONDRES:

BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.

1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-de
the thief.

To som
to allude
drinks;
together,
without t
abstainer,
abolished
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testamen
stance fro

In conc
the "wai
and the p
Year."
"festive s
therefore,
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



among the faithful. Hoping that your honour enjoys good health, I remain with grateful feelings

Your humble servant,

BRIDGET S.

April 5th, 1849.

. . . . I have received a letter from kind Miss T., with the little book your honour sent. I was very glad to see it, as I well knew the young man about whom it was written; and a pious youth he was, as the account of his last end is indeed a true testimony.

I wish to show your honour that I, with an only brother, was, for six years before I got married, on the coast of Dingle, under the superintendence of the ever to be lamented Rev. Charles Gayer; we were stationed at Maharees. After suffering much for our master in his vineyard, my poor brother, whose name was Pat. N., was removed to Kenmare, under the superintendence of the late Mr. Thomas, who sent him to a place called ___ fifteen miles from Kenmare, and two miles from where I live at present. The parish of ___ is in general a very wicked place, and my poor brother, who never returned railing for railing, but always suffered or bore with a meek and quiet spirit, was sent to read the Irish Scriptures to them; but my poor fellow, I am sorry to say, fell a victim, as many of his fellow-servants did of old. Mr. Thomas's schoolmaster asked him to his dinner, and it being Good Friday some Papists saw him eat some eggs,

Bradbury and Evans, Printers, Whitefriars.

who ran and told their priest of it; so their blind guide sent men after my poor brother, who beat him, knocked him down, kicked him in the stomach and chest. My poor fellow lingered for a few weeks, till one evening, after taking a little supper, he sang a favourite hymn, which is,

> May we always ready stand,
> With our lamps burning in our hand;
> Awake in heart, may we rejoice
> Whene'er we hear the Bridegroom's voice.

On that night the Lord was pleased to call him to himself, and left four sisters and his aged parents to wait for the call out of this transitory scene. He was a fine-looking young man about twenty-eight years of age. He laboured for eight years under the Irish Island Society, and for the last fifteen months of his life for the Reader's Society. I am sure there has been much said on his suffering at Maharees, as Mrs. Gayer, late of Dingle, was interested about him.*

I omit a hurried account of the child's illness, and old Mick Dwyre's sympathetic kindness to the poor mother, as the anecdote respecting him is repeated in the following note.

* In Mrs. Thompson's "Dingle," Pat Nash is incidentally mentioned as having been one of the priest's greatest advocates.

LONDRES:
BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.
1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-de
the thief.

To som
to allude
drinks; l
together,
without t
abstainer,
abolished,
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testament
stance fro

In conc
the "wait
and the p
Year." A
"festive s
therefore, b
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



My little girl is now recovered, blessed be Him who doeth all things well. May He grant us patience to be reconciled to His will, and take His chastening rod with thanksgiving. Madam, in my last note to your honour I mentioned one particular which an illiterate old man who is escaped from Popish bondage, and is now standing in gospel freedom, made use of, and perhaps I have not made it plain, not having space enough. It is old Mick Dwyre's, who sends your honour his best wishes for the donation you sent him through my husband some time since. On one occasion, when watching up with me during my child's illness, I asked him what did he think was the reason why God did not choose another besides His Beloved Son to satisfy His offended justice, to die for sinners? the poor man after a short pause, replies in Irish, "One that debt will be on him could not pay debt." Such was poor Mick's answer.

Madam, I beg to mention that I myself am one who was tried in the fire of persecution, one incident of which I shall mention here. Having lived with my poor brother when on the mission at Maharees, I went in 1840 to Dingle on business, and having lodged in a house, a Papist servant got up at night and set fire to all my clothes, and left me without a stitch to wear in the morning. Our departed friend, Mr. Gayer, being from home, I had to come the distance of fourteen miles through the lofty mountains, trusting to a light cotton dress,

Bradbury and Evans, Printers, Whitefriars.

borrowed from the lodging woman. I got a severe fit of illness from the cold. When my poor brother and I used to go to church, a crowd of men and women used to pursue us, throwing stones at us until nearly to our necks in the sea; the priest used to say to them, "Tie N--- and leave him at low water mark till the tide comes on to drown him."

Such, Madam, is the treatment the soldiers of the Cross have to meet with in this country: surely we may say with the Apostle that if we have not better hopes we are of all men most miserable. It is only surprising that those who are acquainted with God's word, where popery is so plainly marked out as being the apostacy, should doubt what she will be inclined to do, particularly to those who will shake off the yoke. Our blessed Lord says that the times should come that whosoever would kill his followers would think they would be doing God's service, and furthermore Popery teaches that the priests can absolve from the vilest guilt: but the authority of our faith says that 'while they promise liberty they themselves are the servants of corruption.' But the Lord at his own time shall bring out his people from their tyranny.

I remain Madam,
Your humble servant
B. S---.

Honoured Miss H.—I must now give you an abstract of my proceedings, while away from

LONDRES:
BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.
1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-def
the thief.'

To som
to allude
drinks; l
together,
without t
abstainer,
abolished,
go far to
may be dc
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testamen
stance fro

In conc
the "wai
and the p
Year." A
"festive s
therefore, t
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



my family in B— Island. I landed there on the 15th March, and found two Popish schools there. One of them was within fifteen yards of the Island Society's school, where I was to be the teacher, and forty-six pupils in regular attendance; and the other was three miles distance, and thirty-eight pupils in attendance. Before I entered the Society's schools I visited the Popish schools, as the teachers did not know me, and found by the report that the average attendance was just as I have stated. When I went to the Society's school I found that there were only seven pupils for the last three months in attendance, by reason of Popish persecution, and five of them were Protestants. After a few days I thought it right to open and close school with prayer, at which the scholars seemed surprised, and laughed several times while on our knees. I spoke to them on the necessity of being serious, and how desirable it is in the sight of man, much more in the presence of Our Great Lord, who has mercifully promised to be where two or three are gathered together in His name. While they listened to me I appointed them to commit to memory the 19th and 20th verses of the 18th chapter of St. Matthew's Gospel, which each of them did with great readiness, also many more passages of Scripture, day by day; and after the lapse of one week I found they were getting more serious and anxious to know the Scriptures. Seeing that they have good voices, if cultivated, I began to teach

Bradbury and Evans, Printers, Whitefriars.

them to sing the Psalms to simple tunes, which they were anxious to learn, and very soon were able to sing the 9th Psalm. One evening the scholars of the Popish school were going home, and, passing my school, heard my scholars singing the praises of God. Twelve of them came in, and remained till I dismissed my school, and then asked me if I would take them under instruction. They came to my school next morning, which caused great excitement among some of the ill-disposed Papists; but after school hours I visited the scholars' houses, and read the Scriptures for their parents, to strengthen them against the persecution which I knew would naturally follow those who left the Popish school and came to my school. About ten days after, they were going home from the Popish school, and heard my scholars singing, and eighteen of them came in, to hear their comrade boys singing; and the Popish teacher saw them, and said nothing till he found them at school the next day, and he punished them severely. And about 2 o'clock, p.m., the scholars took advantage of their teacher's absence, and with one accord left the school and came to my school. When the teacher returned, and found his scholars deserted, he got a boat and crew, and went to C—, and told all that happened to the priest. I knew that the priest would curse the parents of the children on the next Sabbath, and I continued my visits every evening, to strengthen them against the persecution of an apostate mission-



LONDRES:
BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.
1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-de
the thief.

To som
to allude
drinks;
together,
without t
abstainer,
abolished,
go far to
may be do
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testament
stance fro

In conc
the "wait
and the p
Year." A
"festive s
therefore, b
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



ary, who did not fail, as I knew he would, to give public scandal to those who allowed their children to remain at my school. But all his efforts did not succeed in reducing my school. At the end of six weeks the priest held stations of confession every day for eight days, thinking his presence would deter the scholars from coming to my school. But the Lord disappointed his hopes. I did not lose one scholar by all his efforts. Up to this time I did not tell the rector of C— that my school was so strong, because I was afraid that the Popish priest would reduce my school again; but when I saw that the Lord gave us the victory, then I went to him, and told all, and he sent his curate, who is indeed a very excellent minister, to examine my school; and he continues to visit it once a week since. So the Lord has completely upset one of the Popish schools of that benighted island. A few days before I left the island the school was visited and examined by a Rev. Mr. L—, of Dublin, and he thought it a very interesting school, and was most anxious that I should be retained in the island. But the Scripture Reader's Society, whom I am under, I think, would not allow me to remain there. But Mr. O'G— has got a teacher, a very young lad; but he thinks him rather young for such a place.

August 3rd, 1849.

. . . . . My wife went to C—, to the Rev. Mr. O'G—, and on her return, and within three

Bradbury and Evans, Printers, Whitefriars.

miles of her residence, she was attacked by a man who thought either to rob or murder her. But we have great reason to thank the Lord, who sent a witness by the way, who told the wicked man that he would prosecute him. This prevented the evil-minded Papist from executing his premeditated design. As soon as she could conveniently do so, she retired to the police barracks, and told the constable in charge all that befel her; she also asked him to escort her to her residence; but the constable. who is a most bitter Papist, refused doing so. The witness, who know my wife, told the constable that if he did not escort my wife to her residence that he would report him to his superior constable, and about four hours after, when the constable saw it convenient, he and one of his men conveyed her home. The witness has given us the name of the man who assaulted my wife, and the clergymen of this place have taken information against him, and he is to be tried on the 18th instant. Also the Rev. Mr. C., who knows the constable, will try, if possible, to have him removed. Now, Miss H., I know that this man will escape the punishment which the law would justly inflict on him, as the magistrates are Papists, and the witness is a Papist; and surely the priest's influence will free the offender. The priest is at war with us this long time, and we think that he knew all that was to happen, as the man who assaulted my wife lives quite convenient to the priest's house.



LONDRES:
BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.
1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-de
the thief.

To som
to allude
drinks; l
together,
without t
abstainer,
abolished,
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testamen
stance fro

In conc
the "wai
and the p
Year."
"festive s
therefore, t
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



Oh! Miss H., this is a wretched country to live in, especially this part; we are surrounded on every side with bitter enemies, and by few friends; and when the Lord adds one to his church, the persecution that follows is unspeakable, and almost incredible; but, blessed be God, notwithstanding all the persecution, the church is increasing.

Popery is persecuting very hard here at present. Since my last letter to your honour, a very independent family, consisting of eight persons, have renounced the false dogmas of Rome.

The head of the family's name is John Shea. My wife and I kept a night school last winter for the converts; and John Shea and family attended every night, and when he knew the value of the Bible, he bought one at Cork for 7s. 6d. The priest very soon learned that he was attached to us, also that he had a Bible; he came to Shea's house, and made Shea and all his family confess their sins to him; but the grand view the priest had was to prevent him from visiting my house, also to take away the Bible, which he did. But nothing can stop the hand of our great and wise God. I laid hold on every opportunity in building up John Shea; he bought another Bible, and has been taught to obey the call, "Come out from amongst them," &c. Now the priest is wild, and has four spies employed to watch me and the families I visit, and where I have good access.

Bradbury and Evans, Printers, Whitefriars.

Shea is a loss to the priest; his house was a home to the priest. We have great reason to thank the Lord for sending so good a minister to this locality as Rev. Mr. O'G——; he is a most excellent man, and has two active curates.

I remain, honoured Miss H.,

Your grateful servant in Christ.

PAT. S——.

I sent to S—n one of the prints published by the Religious Tract Society, called "The Church of Rome, or the Bible; which will you choose?" For the information of those who may not have seen it I will just say it represents the interior of a Roman Catholic Chapel, highly decorated; pictures, statues, etc., and various figures at their devotions. Different texts of Scripture, ingeniously introduced, confute the errors which are, as it were, practically brought to view. For instance, a boy and girl are kneeling before the images of two angels; under these figures are the words which caution against the worshipping of angels, 2nd Colossians, 18. I wish a shower of these prints could descend on Ireland!

LONDRES:

BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.

1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-de
the thief.

To som
to allude
drinks;
together,
without t
abstainer,
abolished
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testamen
stance fro

In conc
the "wai
and the p
Year."
"festive s
therefore, t
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



Nov. 19th. 1849.

Honoured Miss H.—I have received your kind letter of the 24th Sept. with the enclosed, which indeed is a great treat to us. The poor converts were greatly pleased at seeing the truth so beautifully set forth against error: I have laboured hard to keep it to myself since I received it: I have it now framed, for myself. I have never seen the like before, nor do not know of any being in this country. I shall thank your honour for another, that I may take about with me to shew to the converts who live far off. I should have replied to your honour's letter long ere this, but was taken ill some days previous to the receipt of it; but I am thankful that I am quite well now. My wife is very thankful for your kindness to her. I am sure that your honour will be as glad to hear, as I am to communicate, that a very interesting young man, named Dennis Lacy, who was teaching school for the Popish priest, has on Sunday last renounced the false dogmas of Popery. My superintendent had a very fine school here; there were about 120 pupils in daily attendance; the priest got up his school, to suppress our school, and so he did: our school was reduced to eighteen pupils. I made myself acquainted with the priest's teacher, and shewed that the doctrines of Popery were soul destroying, &c. I gave him a Bible about three months ago, and since endeavoured to assist him in the study of it, and I trust that the

Bradbury and Evans, Printers, Whitefriars.

Lord has blessed the reading of it to his soul. He has left the priest, and the Lord has depressed the priest's school. There are 76 of his scholars followed him: my superintendent gave him a school. The priest was here to-day, and appeared more like a lion than a man. The converts are holding out very steady, and daily increasing in the knowledge of Jesus. Persecution is exceedingly great here, and nothing but Divine Providence is saving us from Popish persecution. About a month ago, a Rev. Mr. G— came from Dublin to this place, to preach an Irish sermon for the poor converts. The priest came near the church, to see if any of his people would go to hear Mr. G—, so that he would speak to them on the following Sunday. But the priest's presence did not deter the people: our church was crowded. On the following Sunday the priest's text was "that Mr. G. stole a pair of blankets in Dublin, and had to flee to this place, lest he should be arrested in Dublin for his theft." His orders to his people about me are to have boiling water always ready, and the moment that I enter their houses with the devil's book (as he calls the Holy Bible), to scald me, if I do not leave the house at once. But I am thankful that I have yet escaped. Nothing can equal the evil spirit of Popery. But all who are acquainted with Holy Writ must know that the people of the world will persecute the children of God. May the people of God think it an honour to be

LONDRES:

BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.

1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-de
the thief.'

To som
to allude
drinks; l
together,
without t
abstainer,
abolished,
go far to
may be dc
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testament
stance fro

In conc
the "wait
and the p
Year." A
"festive s
therefore, b
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



reproached for their Divine Master's sake, is the prayer of your honour's obedient servant in the Lord,

PAT. S.

Honoured Miss H.—I send you a few of the wild Irish plants. I hope they may grow in your country. The foxglove is a beautiful plant. About May it will begin to flower. It has many names in this country; it is called the fairy thimble by some, because it produces flowers very like a thimble. The Papists of this country would be afraid to pluck it on Friday, lest they should be fairy-stricken. If a superstitious Papist woman have a delicate child, and that the child is not likely to recover, and that from the appearance of the child, they suspect it may be a fairy, on Wednesday the foxglove or fairy thimble is pulled, pounded, and the juice of the herb given to the child to drink. Then, if the child live three days after the drink, they are sure that it is no fairy, and do all they can for the recovery of the child. But very few children live one day after drinking the juice of the plant, as it is poisonous, which leads the poor deluded dupes to think that there are such things as fairies. They say that the fallen angels are the fairies. If the foxgloves grow in your country, I am sure that you shall like it. A stalk will grow out of it, about three feet high, and the flowers grow on the stalk very numerous, all of a beautiful colour, and variegated.

Bradbury and Evans, Printers, Whitefriars.

As I am now, thank Providence, quite well, I shall seek out for the rarest and most remarkable plants, and send them to your honour, as your dear mother likes the Irish plants, Sincerely trusting that your dear mother, your honour, and family, are enjoying perfect health, I remain,

Your honour's humble and obedient servant in the Lord,

PAT. S.

December 21st, 1849.

Honoured Miss H.—I have received your kind letter of the 24th November, and in reply my wife and I trust that our united thanks will be accepted for your Christian aids, which of the Lord is greatly blessed to us in this wilderness of incessant persecution. I should have replied sooner, but was busily employed doing some repairs to a sort of hut in which I am now living, and is some miles distant from my former residence. My reason for changing is, we have the priest completely conquered, and a strong body of well-tried converts, all well able, and very willing, to contend for the faith. And I am come in the name of the Lord to another part of the pope's dominions, to lay siege against it, as it has been yet untried. I am for the last fortnight living in this my new place, and since. I did not labour much, as two of my children are ill with scarlatina fever, which is making a rapid progress here, yet I have not known many to

LONDRES:

BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.

1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-de
the thief.

To som
to allude
drinks; l
together,
without t
abstainer,
abolished,
go far to
may be dc
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testament
stance fro

In conc
the "wait
and the p
Year." A
"festive s
therefore, b
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



die of it. I was glad to find that the little plants were fresh. I hope they may grow. There are in this country many rare plants, but at this season of the year are quite bare of leaves; but when they begin to bear, so that I can know them, I shall, God willing, send some more. A Rev. Mr. H., who lives about thirteen miles from this place, brought me your honour's last letter; and when he saw the two pictures, he requested that I would lend them to him for a month, that he may shew them to his people. I told your old friend Mick Dwyre that I wrote to our Christian English lady for two more of the pictures, and poor Mick was anxiously awaiting their arrival; but he came to me on yesterday and said, "What a be ails the Christian gentlewoman that lives upon England? fy don't she send us the rest of the pictures that you said you did write for. But maybe 'tis sick she is, and I am great fraed that it is." I told Mick that I received them, and lent them to Rev. Mr. H., and Mr. H. is very fond of Mick. When Mick heard the news, he seemed greatly surprised, and said, "Shame pon minister to rob us of fat our sister gentlewoman sended us all along from England." Mick ran off to go to Mr. H. for the pictures, and I am sure that he will not return without them but he did not return up to this time. I wil send your honour an account of Mick's reformation and persecution in my next communication, as I hope to be more at leisure.

Bradbury and Evans, Printers, Whitefriars.

As this letter was dated December 21st, I did not expect to hear again till it was in print; but I have just received one from the writer's wife, which, as it gives a more vivid picture of their trials and a specimen of the simple touching faith in which they are received I shall take it for granted my readers, if they have had patience to go thus far, will feel sufficient interest to read on, and with it close all mention of the S—s and our "friend," Mick Dwyre.

Honoured Miss H—I feel great pleasure in addressing you at this time, wishing you and your dear mother a happy new year, and praying that God for Christ's sake may grant you the enjoyment of many more.

Madam, as I have been for some time past much taken up in going among poor old women in this locality, some of whom exceed eighty years, and perishing for lack of knowledge, and being enabled by God's mercy to speak a word from the Bible to the comfort of their souls, as I saw this of greater value than any worldly gain, I preferred it to any little work which I might otherwise be enabled to forward. I was led to consider, kind Christian friend, that if it were not troublesome, that your honour could dispose of a little work for a sister of mine, a delicate girl, who lives at T— Co. Kerry. She

LONDRES:
BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.
1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-de
the thief.

To som
to allude
drinks; l
together,
without t
abstainer,
abolished,
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testamen
stance fro

In conc
the "wai
and the p
Year."
"festive s
therefore, t
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



helps to support her aged parents, since the Lord was pleased to deprive them of an only son, of whom I have given your honour a short account of his death already. Madam, since my husband's last letter to you, the Lord was pleased to visit him with a dangerous scarlatina fever. I had himself and children all laid down together, but the merciful God, in his great love, watched over us, and gave me strength to attend them, up for fifteen days, night and day, though I was without an earthly friend to comfort me on this occasion, and though much troubled in mind, seeing my husband and children almost choked by great lumps in their throats and a scarlatina fever. In the strength of the Lord I sat down and wrote a full account of their several complaints, and sent it to Dr. —, of —, who very kindly and Christianlike showed every sympathy and attention, and sent me every kind of medicines, which the Lord blessed to give immediate relief. And now, madam, all praise to Him who doth all things well, my husband is recovering a little, and, I rejoice to say, out of danger, but two of my children are lifeless in their limbs. Madam, I wish to show your honour that Mick Dwyre was greatly rejoiced to see that your honour remembered him in your letter. Madam, my husband requests that your honour might offer a word on his behalf when at the throne of grace. Hoping that your honour enjoys good health, I remain, with grateful feelings,

Your humble servant,

B. S.

Bradbury and Evans, Printers, Whitefriars.

As well as I can remember, nothing has been said hitherto of the improvement in manners, nay, civilization itself, that always follows conversion from Popery. It would seem that the introduction of the Gospel of Peace produced exactly the reverse of what might be expected, and that men were stirred by *it* to evil deeds. But it is not so. Those who *listen* reap the fruits of this dawning of their faith in enjoying that peace of mind which passeth understanding. It is for those who, like the deaf adder, stop their ears to the voice of the charmer, to feel in their hearts the rage which Satan feels when one sinner escapes from the snare, and make such efforts as *he* dictates to destroy both body and soul. That conversion to Protestantism as surely elevates the character of the Irish peasant as it does that of the New Zealander or savage African there is abundant evidence to prove. And let not people say the comparison is unfair. Can those be considered better than heathens who worship the Virgin Mary under the

LONDRES:
BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.
1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-de
the thief.

To som
to allude
drinks; l
together,
without t
abstainer,
abolished,
go far to
may be dc
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testamen
stance fro

In conc
the "wai
and the p
Year." A
"festive s
therefore, b
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



form of an eel in a muddy pond, or give implicit faith to a priest who would tell them their grandmothers had been turned by him (the priest) into hares? What can more closely resemble the deeds of heathenism than the fact that mothers poison their children that they may not bring up fairies? And this, and worse than this, is going on in the immediate dominions of one of the most enlightened and *the* most highly-favoured Protestant sovereign in the world. Many institutions are at work to effect the great religious and moral change which is to raise Ireland in the scale, as she has under past systems been debased. Amongst these stand pre-eminent the Irish Societies of London and Dublin, and the Scripture Reader's Society; and innumerable are the quiet little streams which, supplied by private philanthropy and private efforts, are providing a large body of well-trained Protestant youths and maidens, to carry out their principles, and spread the knowledge they have been rescued to learn. I had almost

Bradbury and Evans, Printers, Whitefriars.

reached this last sentence when I received by post from Dublin a charming little book, "The Voice of the New Year." The present comes from one to whom I sent the veriest trifle in aid of her benevolent plan for preserving and rearing twenty orphans, left by the grievous famine without kindred to care for or home to shelter them. To the readers of the "Christian Lady's Magazine," the name of "Sidney O'Moore" must be familiar. To her talented pen this little book owes its origin, and I my gratitude for so kind a remembrance. I cordially recommend it as a charming little present for young or old.

The remainder of my work, if that deserves the name of "work" which consists of pasting together in consecutive order the extracts from the letters kindly copied for me by two young friends, shall be to give a little general information on the subject of that interesting spot where once Protestantism reigned pre-eminent, but, from neglect and misrule, becoming obscured, was again brought to light by

LONDRES:
BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.
1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-def
the thief.'

To som
to allude
drinks; l
together,
without t
abstainer,
abolished,
go far to
may be do
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, eve
rage. No
are doing
putting a
or any of
we see a s
Testament
stance fro

In conc
the "wait
and the p
Year." A
"festive s
therefore, b
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



the efforts of a zealous minister. The simple preaching of the word has offered to Dingle and its neighbourhood opportunities which have been seized and held fast, and many have returned to the faith of their forefathers, accompanied by others to whom the destruction of this faith was formerly an act of the highest merit. Fifty years since, there were few Protestants and no church, a ruin excepted, in Dingle. A room was used as a place of worship, and going and returning to even this place the congregation were often assailed by Papists with filthy missiles. Yet in the reign of Elizabeth it had been eminently Protestant, and here Raleigh defeated the Spanish insurgents, driving them into the sea. Dingle in 1750 exported annually above £60,000 worth of linen, besides a great deal of other merchandize. Popery did its worst when it overran this neighbourhood. Mention is made in the history of Kerry of fifty-four churches at one time in the county: thirty-four were in ruins in 1756. At

Bradbury and Evans, Printers, Whitefriars.

length Dingle was only known as a place *unknown*. In 1832 a resident minister, the Rev. Gubbins, commenced a close search after lapsed native Protestants, and five families were restored to the bosom of their church. Having studied medecine, with a view to usefulness, he soon had a fearful opportunity of manifesting a care for their bodies which gave him an opportunity of benefiting the souls of the poor Papists. Cholera in its most frightful form visited his parishes. The Popish priests fled in terror, and left the minister of a purer faith to administer aid to the maddened people, and he was no longer regarded as an "emissary of the evil one." The Rev. C. Gayer was appointed to share the care of souls in Dingle in 1833, and his career of usefulness, almost unprecedented, continued till the year succeeding the grievous famine, when he fell a victim to typhus fever, followed to the grave alike by the tears of Protestants and Romanists. The curiosity excited by an evening service gave rise, humanly speaking, to a



LONDRES:

BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.

1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-de
the thief.

To som
to allude
drinks; l
together,
without t
abstainer,
abolished,
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testament
stance fro

In conc
the "wait
and the p
Year." A
"festive s
therefore, b
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



spirit of religious inquiry. Under cover of the dusk, intelligent people stole to hear the "new parson," and the visits were repeated. Nicodemus-like, the inquirers attended Mr. Gayer's study by night, to seek the way of salvation. Every effort was made, by weekly curses from the altars of the Romish chapels, and by every kind of persecution, to stop the work of reformation, but in vain. The curses on individuals were of such a dreadful nature as to agitate the hearers even to fainting, while the falsehoods spread to alarm the lower orders were as absurd as wicked.

It was said that when a man was willing to become a "turn-coat," etc., he was instantly *bled*, and *protestant blood* infused into his veins. Others were believed to have been turned by the priests into goats, hares, etc. The deceptions practised on the poor with regard to religious ceremonies were as glaring. A priest, blamed for not being in time to give "the oil" to a dying man, wrote something on a piece of paper which he desired might be

Bradbury and Evans, Printers, Whitefriars.

put in his coffin, saying it was much surer than the oil! Were not these and such like frauds on the credulity of the poor benighted peasantry enough to rouse to every exertion men who, knowing there is but one way of salvation, saw those around them perishing for lack of knowledge? In the strength of the Lord they continued their labour of love, though many and bitter were the trials that met them. No Papist dared sell the Protestants the most trifling article, and everything was of necessity bought at many miles distance. To protect the poor converts turned out of houses and employment, a colony and farm were established, and hence the name of the "Dingle Colony." I have gleaned these few particulars from a mass of interesting matter in a book by Mrs. D. P. Thompson, "A Brief Account of Dingle," the perusal of which led me to resolve to write my "first letter" to Ireland. The famine of 1847, notwithstanding the large sums which flowed into Dingle from English sympathy, was awfully destruc-



LONDRES:
BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.
1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-de
the thief.

To som
to allude
drinks; l
together,
without t
abstainer,
abolished,
go far to
may be dc
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testamen
stance fro

In conc
the "wait
and the p
Year." A
"festive s
therefore, b
they will, fro
have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



tive. It is supposed 8,000 died; but, under the blessing of God, the preservation of the remaining 12,000 or 14,000 may be attributed to the relief thus afforded. I have said nothing yet of Ventry, for I think the account given in the "Irish Intelligence," by a recent tourist, will be much more interesting than any more gleanings of mine.

NOTES OF THREE DAYS IN DINGLE.

"I rose early, and after a hasty breakfast, I went to the school. I had often heard of Dingle, and had also read of the blessing which rested upon the labours of God's servants in it; but I had never fully realized what now I was permitted to see, about 150 persons, old, young, and middle-aged, reading or learning to read the words of eternal life. All but three or four had been Roman Catholics—now converts to the Gospel. There were about fifteen classes, with pupils of all ages, from the little child learning a hymn, to the grey-headed man, with spectacles on his nose, spelling as he read the sacred volume. In a room, separate from the others, was the Irish class, and L—, the Irish reader, giving them instruction: they were about thirty in number, all adults, and of both sexes. Some of the females had the blue mantle of the west

Bradbury and Evans, Printers, Whitefriars.

characteristically drawn over their heads; some also had children in their arms; indeed, one appeared to have a *whole family* with her; three or four little ones running about and climbing over the forms; but although they made considerable noise, no interruption was caused, so great was the attention paid to the lesson. It will not be easy to forget the interest depicted in their countenances as the teacher spoke to them of Immanuel's everlasting love."

Leaving the school, our tourist proceeds to Ventry.

"But though lovely in the kingdom of nature, Ventry is still more lovely in the kingdom of grace. A few years ago, indeed, all was darkness, ignorance and wretchedness; as Mrs. Thompson, in her interesting work, remarks—'Ventry was *superlatively* wretched and squalid. Misery marked every countenance; the untenanted houses were falling into ruin, or become the haunt of lawless men.' No church, no school, no herald of the Cross, no convert there. Its waters, indeed, were clear and limpid, but no 'water of life.' The mountains rose in grandeur, lifting their heads up to the clouds, but no 'feet' 'beautiful' upon them 'of him that bringeth good tidings, that publisheth peace.' Its rivers and brooks foamed and gurgled, and leapt from ledge to ledge in their rocky channels; but no 'river, the streams whereof make glad the

LONDRES:

BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.

1850.

this state
passions,
shame a l
are a de
*streets* of
of self-def
the thief.'

To som
to allude
drinks; l
together,
without t
abstainer,
abolished,
go far to
may be do
Schools,"
Bands of l
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, eve
rage. No
are doing
putting a
or any of
we see a s
Testament
stance fro

In conc
the "wait
and the p
Year." A
"festive s
therefore, b
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



city of God, the holy place of the tabernacles of the Most High.' Satan, 'the prince of the power of the air,' seemed to reign undisturbed in the minds of the inhabitants. But even here the Lord Jehovah had a people which in a little time should glorify his name. Four Irish teachers were set to work by the late indefatigable Mr. Gayer, who, in addition to his many other onerous duties, was the superintendent of the West Kerry district of the Irish Society. The Scriptures were read and learnt, and God the Spirit accompanied them with power. As one of the teachers stated, 'the people began with no other desire than *to hear the Irish;* but by and by the Word of God rubbed off the scales, and they saw the light, at first dimly, then more clearly, till the perfect day broke in, and they went on their way leaping for joy.' And now Ventry is a different place from 'its former self;' and, as I surveyed the slated cottages and well-built houses, all tenanted by Protestants, for the most part converts, the missionary farm, with the oats and barley waving in the breeze, the schoolhouse, the neat little church, the parsonage at the 'coun tra,' or head of the strand; and when I heard that the Word of God was freely circulated, the Gospel freely preached, an Irish-speaking clergyman resident in the village, and hundreds of converts walking in the fear of God, I thought that the people of Ventry in 1848 might well sing the praises of the Lord, and say, in the language of the sweet Psalmist of Israel,

Bradbury and Evans, Printers, Whitefriars.

'Thou visitest the earth, and waterest it; thou greatly enrichest it with the river of God, which is full of water;' 'thy paths drop fatness: they drop upon the pastures of the wilderness, and the little hills rejoice on every side.' It was a refreshing sight to witness the Irish congregation worshipping God in the church built for their especial use; and not only so, but also to see the zeal and earnestness of their minister,* himself a convert from Popery through the means of the Gospel in the native tongue."

The Rev. Mr. Hamilton, an Irish-speaking clergyman, I think a convert (but of this I am not sure, as I may have confounded him with another), said to the tourist, speaking of Dunurlin,

"I remember, seven years ago, that not a single native parishioner had embraced the Protestant faith but one old man, eighty years of age, the remnant of some old settlers in Dunurlin. When, on my arrival first to take charge of this and the parishes of Ventry, Kilmalkedar, and Kilquane, the people stood and wondered what sort of a person the minister was. Some would cross themselves when they met me. But now what a change!—*hundreds* in that district brought to know, to live and die in the Lord Jesus Christ. And how has this been effected? chiefly through the agency of the Irish Society.

* Rev. T. Moriarty.

LONDRES:
BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.
1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-def
the thief.'

To som
to allude
drinks; l
together,
without t
abstainer,
abolished,
go far to
may be dc
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testament
stance fro

In conc
the "wait
and the p
Year." A
"festive s
therefore, t
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



"At Donquin," he says, "I had the privilege of addressing one hundred children, and all whom I examined I found well instructed."

A word of the Blasquett Islands, "the beautiful Blasquetts," as noticed by the same pen.

"Only two or three of them are inhabited; about 150 residents upon the largest, which is called 'the Great Blasquett.' A few years ago the greatest ignorance prevailed amongst this poor, neglected people; not one could read or write, and the sound of the English language never was heard. There was no religious service performed; but, when mass was celebrated on the main land, a white sheet was hoisted, and the poor islanders then knelt down on the cliff. . . . . In 1835, the late Rev. C. Gayer endeavoured to locate an Irish reader in the Great Blasquett; but, as Mrs. Thompson relates, 'the inhabitants threatened to hurl the man over the cliffs if he did not leave, which he accordingly did.' But the glad tidings of the Gospel, which were heard and received in Dingle and Ventry, also reached the Blasquett rocks; and the poor and destitute islanders, when returning in their skiffs across the dangerous sound, after conversing with the converts on the mainland, little thought that they were carrying with them the first importation of the true riches, even the 'unsearchable riches of Christ.' In 1838, Mr. Gayer received a deputation from the islanders them-

Bradbury and Evans, Printers, Whitefriars.

selves, entreating him to send them a teacher, for that *now* they wished for a school, feeling they were like the 'horses and cows,' and declaring that old and young would attend. . . . A young convert, who had been much persecuted in his own neighbourhood, and who was superior in education and manner to the generality of persons of his condition, expressed not only a willingness but a desire to dedicate himself to the opening of the mission in this trying locality; and on the first of January, 1839, he went over to the island, accompanied by Mr. Gayer, Mr. Moriarty, Captain Forbes, and several Christian friends, curious to witness the reception he would meet when Mr. Moriarty should in their own language explain to them the object of his coming amongst them. Nothing could be more satisfactory; the islanders came down in numbers to the rocks, and would have carried these gentlemen in their arms up the most inaccessible path over the cliffs."

So much for the power of "the sword of the Spirit." With the following we will close the extracts from the very pleasing paper of "Three Days in Dingle."

"I questioned several of the colonists as to their future state. They appeared to be well instructed in religion. One man said he had been a *Roman*, but now he "trusted for salvation to

LONDRES:
BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.
1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-de
the thief.

To som
to allude
drinks; l
together,
without t
abstainer,
abolished,
go far to
may be dc
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testament
stance fro

In conc
the "wait
and the p
Year." A
"festive s
therefore, t
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



the blood of Christ alone;" he also said work was scarce, but the Lord would supply his need. Indeed a volume might be written concerning the simple faith of the converts under trial, want, and persecution. . . . I am thankful to say that the Dingle converts appear to have taken as their motto, 'be not slothful in business; fervent in spirit, serving the Lord.'"

A friend at Dingle, who knows my love for direct news from the place, kindly took the trouble to write the following piece of intolerance:

Dingle, Jan. 22.

"Last Saturday a young man who had been absent from the town seventeen years came to see his father and mother. He arrived about half-past nine, with his wife and two children. On his marriage he had become a Protestant, and this his family were aware of. On Sunday morning his mother, who is a great bigot, said to him, 'Denny, you will go to mass to-day?' 'No, mother,' he replied, 'I am a Protestant, and shall go as I always do to church with my wife.' 'Surely you will not go to church in your own town?' she asked. 'Yes, I will; and if you knew as much of Protestantism as I do you would be a Protestant, too.' 'You shall not stay here, then,' rejoined the mother; 'I will have no soupers here. The curse of God will rest on

Bradbury and Evans, Printers, Whitefriars.

me and my house.' Souper is a term of reproach given to the converts. They went to church, and on their return she turned them out of doors. The father and brother, with more natural affection, if not with less bigotry, tried to keep them; but it was of no avail, and the young man would not stay, even if she had consented, after turning him out. He said he did not care for himself, but for his wife. She, poor thing, with her two children, were sitting outside in the street on the boxes, bitterly crying. The young man procured a cart, and took them away, declaring he would never visit Dingle again. He took an affectionate leave of his father and sister, kissing them several times. His brother was so angry at the conduct that he went away with them, also saying he would never see home again. When all were ready to start, the poor ill-used son went into the house, and shook hands with his enraged parent. 'Mother,' he said, 'I have been a long time absent from you: I came to see you; I want nothing from you—thank God, I have enough to support myself and family; but you have turned me out of the house for acting according to my conscience, and I shall never see you again.' All the time, instead of relenting, the mother was scolding him. Such, my dear friend, is a picture of Popery in Ireland: it is unchanged and unchangeable. This wretched woman is highly commended by those who belong to the same corrupt church; but how lamentable her state, far off from God, and opposed

LONDRES:
BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.
1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-de
the thief.

To som
to allude
drinks; l
together,
without t
abstainer,
abolished,
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testamen
stance fro

In conc
the "wai
and the p
Year." A
"festive s
therefore, t
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



to his glorious truth, following a system of lies and soul-destroying errors. May the Lord send out his light and his truth, and lead her to himself!"

The extraordinary movement at the workhouse, mentioned in the circular which I here copy, addressed by the resident clergyman to the brother of the late Mr. Gayer, in Dublin, was fully detailed at the time, but I regret I have not kept the account. It was simply that these poor creatures came forward with a request that they might be enrolled by the board as Protestants. They were examined as to their motives, and entirely discouraged from entertaining any hope of worldly gain. Of the rest Mr. Lewis shall speak:

DINGLE AND VENTRY MISSION.

Dingle, September, 1849.

My dear Mr. Gayer.—The friends of the mission will be glad to hear that cholera, which has been so prevalent here for some months, has altogether disappeared. The poor converts were very mercifully dealt with— they seemed to be hidden

Bradbury and Evans, Printers, Whitefriars.

in the day of God's anger. Two only of them died of that fearful malady, and I have a good hope that to them "to die was gain."

I am happy to be able to report favourably of the conduct of the converts during my lengthened absence in England, and amongst my former parishioners. On my return here neither Scripture readers, nor lay helpers had a single case of immorality to report. Their attendance at church and Sunday school was most regular; their cottages were kept with their usual neatness; and Mr. Langton, our worthy agent, reports favourably of the farm labourers, who are evidently improving in diligence and industry.

I was particularly anxious to know if the workhouse converts remained constant, for you will remember that I entertained doubts of the sincerity of some of them; and in my letter, which you published, I spoke of the movement in the workhouse, as rather of a *civil* than of an *ecclesiastical* character. I have just completed my visits to many of those of whom I wrote thus doubtfully. Most of them have left the workhouse, and are now returned to their wretched and cheerless homes among the mountains. The Rev. A. Denny accompanied me in some of my visits to this scattered flock, and heard with delight their expression of unshaken attachment to the faith, which, in the workhouse, they had professed before many witnesses. Our Scripture readers, also, gave strong testimony in their favour, and assured me that they

LONDRES:
BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.
1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-de
the thief.

To som
to allude
drinks; l
together,
without t
abstainer,
abolished,
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testamen
stance fro

In conc
the "wai
and the p
Year." A
"festive s
therefore, t
they will, fr
have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



have been seldom absent from church or Sunday school since they left the workhouse ten months ago: and this testimony is the more valuable as they have not received the least temporal aid from the mission during that time. I have nothing to say, then, in reference to my account of that extraordinary movement, except that I expressed myself too cautiously.

But while there is much to cheer, there is, I am sorry to say, much to depress and dishearten. There is a dark side of the picture, which I wish our English friends could see; for if they saw they would pity, and pity would induce them to relieve. These poor converts are *literally starving*. They have testified on oath, illegally administered to them by a Board of Roman Catholic guardians, that they had no hope of bettering their condition, in a temporal point of view, by the step they had taken; and surely 'they have not. They have declared solemnly that they were "influenced by no other motives than love for the truth, and conviction of the errors of Romanism; it would be difficult even to inagine any other motive in a workhouse, where the majority of the inmates, and all the officers, from the master to the porter, were Romanists. 73 inmates of the Workhouse swore that such were their sentiments: 61 members of their families out of doors declared that they held the same opinions, and went to church, making a total of 134 individuals who added themselves to our church in six months.

Bradbury and Evans, Printers, Whitefriars.

From the moment they renounced the errors of Romanism their troubles began. In the workhouse they were insulted by day, and beaten in their dormitories by night, by persons whom in the dark they could not identify. All the efforts of masters, matrons, and poor-law inspectors could not prevent this cruel persecution for conscience sake. Many of them left the workhouse, and sought a quiet retreat in their empty houses, in a state of emaciation, sickness, and nudity scarcely credible. Out-door relief has ceased. They are willing to work at 6d. per day, but cannot get employment. Exclusive dealing, in that respect, is universal throughout the peninsula. I never heard of a single instance where a convert got employment from a Roman Catholic: he dare not give it through fear of the priest. This is a most urgent and distressing case. What is to be done? Are these poor members of the household of faith to starve? They are our brethren. We must take them upon their professions, and they have professed and sworn that they are influenced by the purest motives. They are outlawed and alienated from their own kindred: they have glorified God in the fires: they are in nominal connection with our church. Do you not think that ten months of privations and persecutions for the truth's sake is sufficient trial of their faith and constancy? It is true that the Syro-Phœnician woman, one of the first converts from the Gentile world, was repulsed again and again, even by him who knew what was in man,

LONDRES:

BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.

1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-de
the thief.

To som
to allude
drinks;
together,
without t
abstainer,
abolished,
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testamen
stance fro

In conc
the "wai
and the p
Year."
"festive s
therefore, t
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



until her faith and constancy were as manifest to those around as they were to the Searcher of hearts himself; but he did not reject her for ever. These things were written for our example, and ought to be our guide.

I am exceedingly anxious that these poor converts, who have given such proofs of their sincerity, should be employed; and I recommend for this purpose that more land be taken. The present is a most favourable time, as large tracts of land have been given up by their former tenants, and can now be got on very reasonable terms. I think we have Scriptural authority for affording protection and temporal aid in time of exclusive dealing, famine, and want. In the history of the mother church—the church of Jerusalem—it is written for our learning, and for our example, too, that a general fund was provided to meet the wants of the helpless members of that infant church, while suffering persecution.

I would never have undertaken the arduous duties of this missionary settlement, beset and encompassed as it is by many and great difficulties, if I entertained a doubt of the soundness of the principles on which it is established.

But while I strongly recommend the Committee to adopt measures for extending their operations, in the way of temporal assistance, to meet the exigency of the case, I have no Scriptural authority for recommending that such a state of things should be permanent: it did not remain permanent at Jerusalem.

Bradbury and Evans, Printers, Whitefriars.

We must, therefore, endeavour to raise the character of the people, and teach them to be diligent in business, as well as fervent in spirit. We must urge upon them that it is the bounden duty of every Christian man, who takes the Bible as his code of laws, to learn and labour to get his own living honestly and diligently, in that state of life in which it has pleased God to call them. By this means we have much hope that the farms, and the several industrial employments, will be every year more reproductive, and eventually self-supporting.

Yours sincerely,
SAMUEL H. LEWIS.

To the same lady who indulges my love for news, I am indebted for the sketch of the visit to Kilquane made by Mr. Lewis and friends, herself being one of the party. It is perhaps worth while to remark that the fact of "Kil" being Irish for church, would prove how well furnished the land once was, even if no ruins marked where temple worship had been, and passed away.

16th Sept., 1849.

I have seldom longed more for the dawn of a Sabbath morning, felt more anxious about the duties I had to perform, or thanked God more heartily as the Sabbath evening closed, than this



C E.

LONDRES:
BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.
1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-de
the thief.

To som
to allude
drinks ;
together,
without t
abstainer,
abolished,
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testamen
stance fro

In conc
the "wai
and the p
Year."
"festive s
therefore, t
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



day. My long cherished wish to replant the standard of the Cross in the parish of Kilquane was gratified. The venerable ruins of a large church show that this parish in former days was very different from its present condition.

When the morning and evening sacrifice of prayer and praise ceased cannot now be exactly ascertained. But I believe it is unquestionable that for several generations our church service was never read, nor a gospel sermon preached, in the parish. The old people say, not since the days of King William the Third. Having heard that some of the workhouse converts had returned to their homes in this parish, and that others of the inhabitants were willing to receive instruction, I set out this morning with some Christian friends, and, after following the windings of a long and romantic road, at length were led by our guide through a mountain pass into the valley in which the village is situated. Having left the Alpine hills behind us, we thought all the difficulties of our journey were at an end. But, as we descended into the plain, we found that other and more formidable obstructions presented themselves. The rivers, swollen by the December rains, had overflowed their banks, and, as bridges are only to be seen on the main roads of this part of Kerry (many of the simple inhabitants of these valleys do not know what a bridge is), we were obliged again to seek a guide to point out a ford over which we crossed in safety. On reaching the village

Bradbury and Evans, Printers, Whitefriars.

we found about forty persons assembled, and from them we received a hearty "cead mille failte." One of them apologizing for the smallness of the number said, "The children, sir, are all fled screaming to the hills. They think the end of the world is come." Never in the memory of man had any vehicle except a cart crossed that ford; and they were so frightened by seeing ladies and gentlemen that they ran off as fast as their legs would carry them. I observed, however, afterwards, as the service proceeded, that several of them returned cautiously to the banks of a river that flowed near the door of the house where we were assembled, and, after listening for some time, and finding that no ill befell their parents, they waded across the stream, and took courage to enter the house.

I endeavoured to feel that I was a missionary by the providence of God sent to tell the simple story of redeeming love to baptized heathens, who were as ignorant of the Gospel as the mandarins of China or the cannibals of New Zealand.

Indeed, I can hardly think it possible to have more of the distinctive features of missionary work on any foreign station. Our place of worship, too, was original in the extreme. It was midday, yet I could not read in any part of the house except near the door. The smoke was so dense, and there being no windows, I could not see the people in the inner part of the room. The furniture, too, was of the simplest kind: two skeletons of what had once been chairs



LONDRES:
BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.
1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-de
the thief.

To som
to allude
drinks; l
together,
without t
abstainer,
abolished,
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testamen
stance fro

In conc
the "wai
and the p
Year."
"festive s
therefore, t
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



across the top of which hay ropes were tied to form a seat, and the shaft of a cart laid on stones, with a shattered spar found on the shore; these, with a chest which served the family for a table, were the entire furniture of the house, and on them, ranged round the room, were seated as attentive a congregation as ever I addressed. Everything I said seemed to be invested with the charm of novelty, and frequently they expressed aloud their astonishment, sorrow, or gratitude, as I set before them, in as simple language as possible, man's ruin by the fall, and the remedy provided by the Gospel. While thus engaged, we were interrupted by the angry voice of a woman outside, growing louder as she approached the door, through which she sprang like a maniac, and seizing her daughter, a child of about four years of age, who sat on the floor, carried her off, screaming. She tried to persuade her husband to leave the house; but he said aloud, "I'll stay where I am," and remained devoutly on his knees. The woman of the house said in a tone of rebuke, "There are as good people here as you," and following the violent woman to her house, made her so much ashamed of her conduct that she soon returned, and became one of the most attentive of our hearers till the conclusion of the service.

Oh! it is a blessed thing to bring the precious word of the Lord before the people. They are lying in darkness and the shadow of death. May we not hope that the declaration of the Psalmist,

Bradbury and Evans, Printers, Whitefriars.

"The entrance of thy word giveth light; it giveth understanding to the simple," may be verified in some of them, that they may believe and live. It was most interesting to observe the varied expression depicted in the countenances of the numbers who crowded round the door, afraid to venture on forbidden ground, yet evidently anxious to hear what was said. At first they smiled, and jostled one another, then looked grave, and listened with marked attention. It was a day much to be remembered; and who can venture to say what the Lord has in store for the poor villagers of Kilquane?

Thus ends my account of the doings at Dingle, and one extract more, my Irish correspondence.

Killarney, 15th June. 1849.

. . . . . Could you, dear friend, witness the patient, meek endurance of our poor mountain peasants, and hear them in the midst of their sufferings, as I have done, say, with clasped hands and lifted eyes, "Glory to God!" "His will be done!" you would feel still more commiseration for certainly the most sorely tried people on the face of the earth. God works in a mysterious way, and never had his word such free and full access to, and never has it been received by, the Roman Catholic population as since the famine and pestilence have done their

LONDRES:

BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.

1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-def
the thief."

To som
to allude
drinks; l
together,
without t
abstainer,
abolished,
go far to
may be dc
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testamen
stance fro

In conc
the "wai
and the p
Year."
"festive s
therefore, b
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



work. This I have opportunity of knowing, being in correspondence with several of the Irish Scripture readers in the remote parts of Kerry and Cork, and also hearing constantly from my dear friend, Miss G—, who has given up her own comfortable home to reside amongst and minister to the Dingle converts, only one of whom has died from cholera.

This, from the pen of a talented lady, who has given more than one work to swell the literary evidence of genius in the sister-land, shall be accompanied by a passage from a spirited poem of hers, kindly given to me by a fellow-worker for the necessitous Irish.

"Nor to Achill alone is blessing given;
Our isle hath many nurseries for heaven.
See Ventry, famed for hundred fights of yore,
Now known for Christian faith and courage more,
An Irish-speaking congregation bring
To worship in his house their God and King,
And hear their minister, in labour tried,
Proclaim the saving truth he once denied.
See Kilmalchedar's ancient ruin stand,
Of olden faith a witness to the land,
While near that sacred fane the old and young
Pure homage offer in their native tongue.
Dunurlin, 'neath her giant mountain's brow,
Rejoicing in her Sabbath mercies now.

Bradbury and Evans, Printers, Whitefriars.

And lone, as beautiful, behold Donquin,
With her wild ocean billows rushing in,
Awake her converts at the joyful sound,
And bid her cliffs with songs of praise resound.
See Dingle, latest named, but chief of all,
Where first was heard the Gospel trumpet's call,
Whose heaven-taught minister endured the strife,
And opened to the poor the Word of Life."

From "Life."

And now I cannot help wondering if anybody will really read thus far! Perhaps, after all, what has interested me and other friends in these letters has been their freshness, and in print they may wear quite a different aspect. Well, the feeling that prompted the act must plead excuse if I am presumptuous; and perhaps some extenuation for my conceit may be allowed, when I say that so many little plans have by the kindness of my friends been brought to perfection, that a hopeful temper has hitherto met with little check. During the excitement of the famine, we sold for the starving 5000 pincushions: even I did not anticipate such a result from a sixpenny effort; and

LONDRES:
BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.
1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-de
the thief.

To som
to allude
drinks;
together,
without t
abstainer,
abolished
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testamen
stance fro

In conc
the "wai
and the p
Year."
"festive s
therefore, t
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



last year 1500 book-markers aided the same cause. Since '47 I have in a little way endeavoured to help various parties by taking their work; and placing in the Repository of Industry at St. Albans such articles as do not interfere with the work of our own poor, hope to extend what to me appears the best way of promoting the temporal welfare of the population of Ireland, giving them *reason* to be industrious. Thus a friend at Cork saw much advantage would accrue from a short cut from one road to another;—she set to work to collect the necessary sum, and £22 employed for six weeks thirty labourers who had large families. This road is a great boon to the farmers in the neighbourhood, and not only shortens the distance, but saves from the perils of a road on the shore. In the same parish where the embroidery school is established, a fishery was formed by the vicar, and the returns of fish which might have never been *seen* but for the new boats and enormous net, were surprizing. If I can

Bradbury and Evans, Printers, Whitefriars.

be of any use, to forward orders or execute commissions, a note to A. F. H., Repository of Industry, St. Albans, will be attended to with pleasure. There may be had the beautifully knitted stockings and socks, and the embroidery already named, with specimens of the elegant ornaments, carved from the bog-oak, decked with Irish diamonds. This seems something like an advertisement for the Repository, but it is the only way I can think of for opening a channel for some who would lend a helping hand if they knew how.

I regret I have not a later account of the working of the London Irish Society than up to January 1849. Then there were 800 teachers employed, instructing 25,000 pupils in 24 out of the 32 counties, and those 25,000 instructing thousands of their own families and friends, who are never mentioned in the reports of the society. There are 108 Scripture readers.

As for England being "the wickedest place in the world," that of course no one

LONDRES:
BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.
1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-de
the thief.

To som
to allude
drinks; l
together,
without t
abstainer,
abolished,
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testamen
stance fro

In conc
the "wai
and the p
Year."
"festive s
therefore, t
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



will agree to. How far her wickedness is, in proportion to her privileges, great, can not be ascertained. Whether the greatest weight of responsibility belongs to past generations, who, perhaps, little foresaw the consequences which the present generation seem too blind to discern in a true light, or to this present eyes-shutting generation, matters little to each individual. As an atom in the nation, my opinion coincides with that of many other atoms. There is a bounden duty laid on us to afford the Gospel light according to our ability, and surely our fellow-subjects have a right to claim it at our hands.

"At the time of the Reformation Ireland was cruelly wronged. England, rejoicing to hear in her own tongue the wondrous works of God, forgot to share the Pentecostal blessing with her sister island. She forgot that the Irish tongue was dear to the natives of the Green Isle as the Saxon to her own peasant children. The most direct channel to the Irish heart was closed. England had introduced Romish slavery into the isle of saints; and England, set free herself, now neglected to use every means to break the fetters she had forged."

Bradbury and Evans, Printers, Whitefriars.

We may form some idea of what may be done, by what has been done, and that small efforts may amount to considerable success, witness our 5,000 cushions! A lady in Ireland lately wrote to me to help a penny subscription for a school-house, etc.; the Papists fired the thatch of the only available building. The necessary sum was nearly completed when I last heard, only a few weeks after the application. In attempting this "Apology," perhaps I have not done the wisest thing possible; but though it is not pleasant to be thought foolish by others, I think even that is better than feeling foolish at not having done all we think we ought, to help on a righteous cause. Whether or not the cause *will* be helped by my doings remains for me to find out.

*January*, 18th, 1850.

C E.

LONDRES:
BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.
1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-de
the thief.

To som
to allude
drinks;
together,
without t
abstainer,
abolished
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a
Testamen
stance fr

In con
the "wai
and the p
Year."
"festive
therefore,
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.

Bradbury and Evans, Printers, Whitefriars.

# EARLY FRUITS

OF

# IRISH MISSIONS.

---

A LETTER FROM

## AN EYE-WITNESS,

AFTER A MISSIONARY TOUR, DURING

JUNE AND JULY, 1850.

---

SECOND EDITION.

---

LONDON:
UBLISHED BY THE SOCIETY FOR IRISH CHURCH
MISSIONS, 14, EXETER HALL, STRAND.
1850.

PRICE ONE-PENNY.

E

BRI

ENT

FRANCE.

LONDRES:
BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.
1850.

this stat
passions,
shame a
are a de
*streets* of
of self-de
the thief.

To son
to allude
drinks;
together,
without t
abstainer,
abolished
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testamen
stance fro

In conc
the "wai
and the p
Year."
"festive s
therefore,
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.

Bradbury and Evans, Printers, Whitefriars.

## EARLY FRUITS
# OF IRISH MISSIONS

---

Y DEAR FRIEND,

THE daily pressing engagements of the
t two months, during which I accompanied
. Dallas, who has been visiting all the Stations
the Church Missions in different parts of
land, have precluded the possibility of my
iting to you; and now a clergyman who tra-
led with us has published so much of the detail
our travels, in the *Dublin Christian Examiner*,
t it is unnecessary to repeat them. It will
vever be interesting to you, to have the testi-
ny of an eye-witnees to the work of that So-
y, of which you have been so efficient a sup-
ter. And, first as to its bearing on the Irish
urch in the country generally. You are aware
t, through the length and breadth of the land,
re are now features of a changed state of
ing, not before to be observed. Five years
, the peasant of the west, with his cabin on
barren mountain, had resources for all his
its. A plot of potato ground supplied his food
the year—his few sheep on the mountain
ished simple homespun woollen garments
himself and his family—and occasionally the

E

B R I

ENT

FRANCE.

LONDRES:
BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.
1850.

this stat
passions,
shame a
are a de
*streets* of
of self-de
the thief.

To son
to allude
drinks;
together,
without t
abstainer,
abolished
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testamen
stance fro

In conc
the "wai
and the p
Year."
"festive s
therefore, t
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.

Bradbury and Evans, Printers, Whitefriars.



addition of a cow and a few geese, gave him a feeling of riches and independence. The famine of 1847, has deprived him of all these supplies. Hundreds of broken down unroofed huts, tell the sad tale of cholera and starvation—the surviving inmates having taken refuge in another clime, or are now crowding the overfilled poor-houses, while a large number of out-door applicants are still left in misery and starvation. But the scourge of God has done its work; the hand of God has gone out against this people for a purpose of mercy; and those who have been so long fast bound by priestly tyranny, and whose spirits have been crushed under the iron yoke of ignorance and superstition, are beginning to be set free—the fetters are loosed, and the door is opened which no man can shut; the power of the priest has failed before the power of the Word of the living God, and there is a readiness in the people to receive the truth.

This is felt by all the different Societies, which have been labouring in various ways for its diffusion. It is also felt by the clergy: that holy and faithful body of men are feeling as they never felt before, the necessity of supplying those who are hungering for the Word of Life—of doing something for their Roman Catholic parishioners. The claims of their Protestant congregations were formerly exclusively their own; and on this part of the population have they expended the strength and energy of their small resources, with no common grace and patient endurance. Now however

they are beginning to feel, that new elements of work call for new instrumentality; and that something must be done, more than has yet been done, for the multitude of souls living and dying around them, in a darkness worse than heathenism, because it pretends to the name of light. I speak this as the result of many conversations with them, in different places, from Limerick to Dundalk, the extreme points of our Msssionary tour. There is a general conviction of the need of strenuous and united efforts for carrying the banner of Gospel truth into the hitherto closed ranks of its enemies. A new position of the people calls for an aggressive attack upon the powers of Satan. The fearful system of merits must be exposed with all its accompanying fatal doctrines; and the offer of a free salvation, through a crucified Saviour, must be given by the preached word, to those who have so long been sitting "in darkness and the shadow of death." In short, with some few exceptions in which a shrinking caution was allowed to prevail over the love of souls, there was manifested throughout the country an urgent call for that important agency which is supplied by the Society for Irish Church Missions.

It may be a question with some, why the parochial system, more fully worked out, could not supply this need. The answer to this would be obvious to those who are at all acquainted with the present circumstances of the Irish Church.

E

B R I

E N T

F R A N C E.

LONDRES:

BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.

1850.

this stat
passions,
shame a
are a de
*streets* of
of self-de
the thief.

To son
to allude
drinks;
together,
without t
abstainer,
abolished
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testamen
stance fro

In conc
the "wai
and the p
Year."
"festive s
therefore, t
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



Its whole condition, as a parochial system, must be enlarged, before it could be in any measure accommodated to the wants of the thousands now excluded from its pale. The clergy bear no proportion at all to the population. They have been sufficient for the few professed protestants; but hitherto there has been to the Romanists a barrier which was rarely overpassed; and this produced in many a habit of feeling that they had little connexion with the thousands who encompassed their separated Goshen. The churches built for the protestant population afford no room for an increase of worshippers. To this is added the yet heavier clog upon their desires to enlarge their borders—the straitened circumstances to which they are reduced; the universal decrease of their income leaving them to struggle with domestic suffering, often without even the means of maintaining a school for their protestant children, and throwing them, in a great number of cases, upon English bounty for supplies for their protestant sphere of labour. The multitudes of appeals for help, prove the utter insufficiency of their own resources.

The schools that have been built for them, and the Readers that have been supplied to them, as well as the invaluable work of the Irish Society, have formed, in many places, the prepared ground for more enlarged machinery. An Appeal just put forth by the Bishop of Tuam, for the means of church extension in his

Bradbury and Evans, Printers, Whitefriars.

diocese, gives facts which forcibly illustrate this statement. He says, "The western portion of the county of Galway more particularly requires those means which are calculated to settle the minds of the converts in connexion with the church. The principal requisite at this moment s Church Accommodation, of which there is very reat need. The parishes of the whole of west Galway have been so united, that a short time go, there were but five separate incumbencies. he union of Ballinakill alone contains 10 parishes, xtending nearly 40 miles in length, and 25 in readth; and until lately it had but one church; ne more has recently been added. Only two lergymen were in that union, and the entire in- ome of the whole Union is £202 per annum; nd there are now twelve clergymen there. The resent number of Churches in the whole of est Galway is only four, and one just built in e Isle of Arran." It would require many years effect such a change in the church establish- nt in Ireland, as would include what is now ing by the Society for Irish Church Missions. ıe system which has been introduced gene- ly among the clergy, is a union of ten or elve residing in one neighbourhood, for the rpose of preaching to the Romanists of the igned district in turns, holding cottage lectures their several parishes, where the Romanists are vited and urged to attend; and also preaching m time to time in their churches, on the errors

E

BRI

ENT

FRANCE.

LONDRES:

BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.

1850.

this stat
passions,
shame a
are a de
*streets* of
of self-de
the thief.

To son
to allude
drinks;
together,
without t
abstainer,
abolished
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to ur
"Honest
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testamen
stance fro

In conc
the "wai
and the p
Year."
"festive s
therefore,
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.

Bradbury and Evans, Printers, Whitefriars.



of the Romish Creed. The rules and arrangements of this plan are described in a paper of the Society called "Memoranda for Local Committees."

But, turning from the entreaties for help which the Secretary has received from the clergy in various parts of the country—calls which the funds of the Society make it impossible to respond to. The question of a subscriber will naturally be, what has the Society done among the people? and to this enquiry my visit to Dublin in the first place would supply ample materials for a satisfactory answer. Mr. Mc Carthy, the valuable clerical agent of the Society here, bears testimony to the continually progressive work of reformation, which is evident amongst the Romanists of this city, and the blessing which is attending the various means the Society is employing for their conversion. A sermon on some point of the Romish controversy is preached at St. Michan's every Thursday. I heard one by Mr. Nangle, on the doctrine of Transubstantiation; and another on the Invocation of Saints, by Mr. Dallas; in both cases the church was crowded, and the attention rivetted, and the Readers assured me that there were several hundred Romanists. The effect is so felt, that Roman Catholic Missionaries have come forward to endeavour to controvert the subjects of the Sermons on the Thursdays, and to stem the torrent of heresy which they feel breaking in among their people; for it is a fact that many

who constantly attend both churches have their eyes thus opened to judge of truth and error by the standard of the Word of God.

Another great means of blessing, is a class of inquirers which Mr. McCarthy holds every Friday evening; and a more interesting scene it is impossible to describe, than the one at which I was present. There were 62 sitting around him with their Bibles in their hands—all, except six, either just come out of Popery, or, if still within its pale, having taken that first great step which, as it were, unlocks the heaviest bolt of the dungeon—all brought to inquire of Scripture as the rule of faith—to bring their long-embraced errors "to the law and to the testimony." The fifth of Romans was the subject of one evening, and the doctrine of justification, from ver. 1—5, was powerfully urged upon them by Mr. McCarthy, who showed them the fallacy of the Romish doctrines in all its coils of error, questioning them so that by their own mouths they were condemned, and wresting from them every refuge of lies. I noticed one among them gradually remove from the class, and at last leave the room saying "the priest has satisfied my mind on this point, and I do not want to hear any more." Others, and among them some very respectable tradesmen, appeared to feel the power of truth, and to receive it in love—their countenances quite beamed with the light that shone on their hearts. This school of inquiry was begun and ended with prayer for

E

B R I

E N T

F R A N C E.

LONDRES:

BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.

1850.

this stat
passions,
shame a
are a de
*streets* of
of self-de
the thief.

To son
to allude
drinks;
together,
without t
abstainer,
abolished
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honest
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testamen
stance fro

In conc
the "wai
and the p
Year."
"festive s
therefore,
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



the light of the Holy Spirit. I believe similar classes have been commenced by other clergymen, in other parts of the city; and their tendency is uniformly, to lead many minds, like the Bereans, to search the Scriptures daily.

There are now Readers in various parts of Dublin under this Society whose work is to visit exclusively the Roman Catholics. These are superintended by Mr, Mc Guigan, who has been twelve years employed in Missionary work, and who unites with ardent love to the souls of his fellow-creatures, singular simplicity of purpose, and discrimination of judgment; and all these men are under Mr. Mc Carthy, who is particularly fitted for his work, adding to all the qualifications of a christian minister, much sound scholarship and critical accuracy of mind in the handling of controversial subjects. He receives the journals of the Readers, and instructs them in their work once a week. Mr. Dallas met them to inquire into the conduct of each; and he rejoiced to receive such a testimony as proved that they were, as a body, self-denying, active, and obedient agents in the work.

But not to make my letter too long, I will pass over the other stations which we visited, and proceed at once to the county of Galway. Here the work of the Society can be more clearly traced, from the fact that, with a few exceptions, the whole of the western division of the county presents new ground to Missionary exertion—no

Bradbury and Evans, Printers, Whitefriars.

efforts (of any extent) having been before made to rescue it from the grossest degradation of idolatry, from superstitions which will not bear the light of civilisation in the 19th century. I witnessed in several places the holy wells, with the worn paths around them—the stone with the sculptured crucifix of many centuries—where penance and merit secured the salvation of the worshippers. Here also, in some places, in great profusion, were the monuments of the departed, raised by rough stones, between which small stones abound, each one marking a prayer for the soul, which when the gap is thus filled, takes its flight out of purgatory. But these marks of ignorance, numerous as they are, evince but little the positive heathenism of the religious popular opinions—the summary of which may be said to be, that the Priest is omnipotent on earth, and the Virgin the centre of influence and the Autocrat in heaven. The county town of Galway is but a specimen of the whole. Truly, to witness its present state (for the Mission is but just commenced there) calls forth sympathy in the feelings of Mr. Dallas, on his first visit to these parts. His spirit, like the Apostle's "was stirred in him, when he beheld the city wholly given to idolatry." The people—the remains of a Spanish colony mingled with the Celts—cast a foreign hue upon the town, as from the Bridge we view the rapids between Lough Corrib and the sea, rolling over rocks, and rushing into the Atlantic; and the

E

B R I

E N T

F R A N C E.

LONDRES:

BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.

1850.

this stat
passions,
shame a
are a de
*streets* of
of self-de
the thief.

To som
to allude
drinks; l
together,
without t
abstainer,
abolished,
go far to
may be do
Schools,"
Bands of l
merly hav
the *first t*
and to un
"Honesty
there are
religious
hoped, eve
rage. No
are doing
putting a
or any of t
we see a sc
Testament,
stance fron

In concl
the "waits
and the pu
Year." A
"festive se
therefore, b
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



men on its edge engaged in washing, in their peculiar costume which never varies—the red woollen petticoat and blue cloak. One might suppose oneself far removed from Britain; and especially as a glowing sunset lighted up the scene. But on returning to the thickly crowded narrow streets, the 32,000 inhabitants of the town and environs, among whom not one thousand are protestants, presents a vastly different moral picture, which pains the heart! Will not the question recur to your mind, "What has protestant England done for these 32,000 souls?" It is true there is a church there, and a faithful pastor and curates, to attend to the few who profess to maintain a knowledge of the truth—but what is done for the mass of the people?

We could not leave the hotel without abuse from the rabble. Mr. Dallas had preached here before; he was known, and was under the anathema of the Priests—children of all ages hooted him as, "Dallas the Devil." He, with others who have exposed in the pulpit the errors of Romanism, have been assailed with showers of stones. The Readers are subject to every insult. Your heart would mourn over the multitudes of that western St. Giles's; but in this strong hold of Satan, the Society for Irish Church Missions is sending the word of God amongst the Roman Catholics; and that word is not bound, but "mighty through God, to the pulling down of strong holds." The testimony of the Readers now employed is, that

Bradbury and Evans, Printers, Whitefriars.

in many cases of sickness and affliction, their message has been received with thankfulness and joy; and though slowly, they are making way among the people. Controversial lectures, like those in Dublin, are also just established, and are kept up by the clergy from a distance.

Mr. Dallas has been endeavouring to put the whole of this neglected country under Missionary agency, and in nothing has the hand of God been more manifest than in the supply of those agents, and in their peculiar adaptation to the work. Within the last two years, five have been ordained by the Bishop of Tuam; all having been first proved as lay assistants; and two are now sent into the southern parts, men well approved, and preparing for ordination. Mr. Conelly will there be Missionary Clergyman over the district which extends from Galway to Lettermore, and Mr. Jagoe will be the pastoral superintendent of Errisanna. Mr. R. Ryder, a reformed Priest, has the district of Ballyconree; Mr. Conerney, the wild region of Sellerna; Mr. Kilbride, that of Errismore; Mr. Kennedy, has Salruck; and Mr. Moinah is stationed at Glan and Oughterard. These have all Readers and School-masters under them, and in some cases Irish Teachers. The Bishop of Tuam bears the strongest testimony to the value of these Missionary Clergymen. To the praise of that grace which has fitted them for their work, their simplicity of spirit, their diligent self-denial, and their faithful constancy in the

E

B R I

E N T

F R A N C E.

LONDRES:

BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.

1850.

midst of persecution and insult, are manifest to all. Perhaps the strongest testimonies to them are afforded by the array of opposition, and the weapons, with which the enemy seeks to crush them and their work.

The Agents, working under them, are also efficient and faithful. They were all inspected upon the occasion of this journey. At Oughterard Mr. Dallas met twenty-two—heard the testimony of their Superintendents—altered or changed their labours—and gave them a solemn address, urging them in meekness to instruct those that oppose themselves; and arming them against the fiery trial they have to encounter. At Clifden Castle (where they have hitherto been sheltered and encouraged by those whose christian love and holy zeal and wise judgment have been a rich blessing to all around) thirty-six of the Society's Agents assembled to meet Mr. Dallas. It was a day of arduous work to listen to each separately—give to each their work afresh (having first conferred with all the clergy, and arranged every district)—and then to address them all on the spirit in which they should go forth, and the encouragements which were before them. He urged them to be faithful and courageous, taking as the groundwork of his address, Judges vii. 1-8, and Matt. x.; and closing with fervent prayer for grace, and for blessing on them and their work. It was striking in every meeting of this kind how little there was to reprove, and how



this stat
passions,
shame a
are a de
*streets* of
of self-de
the thief.

To son
to allude
drinks;
together,
without t
abstainer,
abolished
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honest
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testamen
stance fro

In conc
the "wai
and the p
Year."
"festive s
therefore, t
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.

Bradbury and Evans, Printers, Whitefriars.

much had been done by these poor men, who were evidently growing in their work—watered themselves as they watered others from the living spring.

The residences of the Missionaries are but a few degrees better than the cabins around them; and the simplicity of their mode of living in these barren wilds, would somewhat astonish the most inaspiring of the English Clergy.

But one more testimony must yet be referred to,—the fruits of the Mission among the people generally. Had it been permitted to the labourers of the last two years, only to sow in hope and to exercise long patience, it would have afforded no cause for wonder; but it is given them to gather already a harvest of souls—to see, as well as to hope that their labour is not in vain in the Lord. The Society has been the means of forming thirteen congregations of converts, who unite in the school-room or cabin to join in the Irish service, or to hear the Word preached in their own tongue. Their attention is very marked. To select one instance alone. We attended the service one Sunday at Sellerna, seven Irish miles from Clifden—a wild district along the bay of the Atlantic. When Mr. Dallas first visited this people two years ago, they were without school, Bible, or any means of grace. He assembled the people by the road side to hear the word of God. He then offered to obtain for them a school, provided they would promise to attend themselves,

E

B R I

E N T

F R A N C E.

LONDRES:

BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.

1850.

and send their children. The question was repeated in Irish, adding, "let those who are thus disposed, hold up their hands." The hands of all assembled were held up at once. The school was promptly built through individual liberality. The Mission was begun—their present devoted Minister, Mr. Conerney, was ordained by the Bishop of Tuam, and is now resident amongst them; and the early fruit of his Missionary Ministry is evident in harvest sheaves of blessing.

The neat white school-room was crammed with people. At least between four and five hundred were waiting for the service when we arrived; and this in spite of threats from the Romanists, in the previous week, that they would pull down the house if he preached there. The service was read in Irish by Mr. Conerney; and though a mob assembled near the house, and their appearance was most disturbing, the people showed no alarm, and were distracted in attention only for a short time. The sermon, by Mr. Dallas, was evidently felt; and the communion was afterwards administered by him and the other clergy present, to seventy-one persons; about sixty of whom were converts, whose reverent demeanour was most striking. Mr. Conerney said, that there were between sixty and seventy catechumens, who had earnestly desired to join the Communion that day; but he had not admitted them, that he might have more time to judge of



this stat
passions,
shame a l
are a de
*streets* of
of self-de
the thief.

To som
to allude
drinks;
together,
without t
abstainer,
abolished
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testamen
stance fro

In conc
the "wai
and the p
Year."
"festive s
therefore, t
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.

Bradbury and Evans, Printers, Whitefriars.

their consistency, and right apprehension of the Sacrament. He also added, that, in this district of 2,000, he thought that at least half were ready to become Protestants in profession. But the barrier of most fearful opposition has as yet kept many from coming out publicly in the midst of persecution, which leaves the converts without work, starved, and naked; the land around them having been lately bought by Papists, the converts are exposed to suffering beyond many of the stations. The details of the opposition which we witnessed, you have read, in the Clergyman's letters I have referred to; and you will rejoice to hear, that in all this most persecuted district, only one convert, has relapsed. The inhabitants of all the district earn their scanty subsistence by fishing. The Priests not only influenced the Masters to exclude every convert from the fishing trade; but also, by cursing them and their boats, made the people around believe, that no success could possibly attend them, if they had "Jumpers," as they call them, in their crews. Numbers of these poor people would have died of starvation, had not some Christian friends exerted themselves on their behalf. With subscriptions, chiefly from Scotland, they bought two boats for convert fishermen; and had them taught how to cure their fish in an improved way, which secured to them increased custom, beyond their old companions. When we were at Sellerna there had been no

E

B R I

E N T

F R A N C E.

LONDRES:

BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.

1850.

this stat
passions,
shame a
are a de
*streets* of
of self-de
the thief.

To som
to allude
drinks;
together,
without t
abstainer,
abolished
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testamen
stance fro

In conc
the "wai
and the p
Year."
"festive s
therefore, t
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



fishing weather for some days; and on that Sunday morning, Mr. Dallas had an opportunity of seeing the evidence of their consistency in the observance of the Sabbath. The sea to the far distant horizon was dotted with fishing boats, of which twenty-three were counted; two boats were however in the bay by the quay, unmanned. On asking why those boats were not out with the others, the reply from a Romanist was—"Those are the jumper's boats, and they do not go out on a Sunday."

There was indeed, at every station, precious evidence that the Lord is working with his ministers, and "confirming the word with signs following." At Ballyconree, Mr. Ryder mentioned that with the exception of two families, he might consider the whole village as being favourable to the truth. Here also Mr. Dallas administered the Lord's Supper for the first time, to sixty-five converts, who had been under preparatory instruction from their minister since their Confirmation. He afterwards baptized two children at this station. At the same time the first stone of a new school-room was laid; the cabin where the school was kept, and in which also they met for service, being too small for one third of the congregation who attended. I must pass over two other most interesting scenes of a similar kind, one at Derrigimla, and another at Glan; in each of which a new school-room, to serve also as a church, has been commenced: and the sites were

Bradbury and Evans, Printers, Whitefriars.

densely filled with congregations of several hundreds, who with joyous hearts listened to Mr. Dallas's address, and joined in his prayer for a blessing upon the work, with the life of feeling, the expression of which is so peculiar to Ireland. In all these places, the increase of converts, and of scholars, had made the present hovel schoolhouses quite incapable of containing the children, or the congregations.

I cannot close without one word on the instruction supplied to the children. The Society has twenty-eight Schools in this county. To each of those we visited, there has been fearful opposition by the priests: who, by bribes and by punishments of no gentle measure, endeavour to bring the children back to their schools. Can it be expected that these blind leaders of the blind should witness 2500 children rescued from their grasp without vexation and dismay? Can we wonder that every effort should be used by the powers of Satan to regain possession of the future generation of Ireland, and to destroy that seed of scriptural truth, which shall ultimately be their gain? Yet in these schools do we witness the strength of God perfected in weakness,—his praise out of the mouth of babes and sucklings. Some have been drawn away for a time; but in no school, much as the children suffer from hunger, is there long or material diminution of numbers. Every new school that is established is quickly filled; in many the power of the truths they

E

B R I

E N T

F R A N C E.

LONDRES:

BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.

1850.

this stat
passions,
shame a
are a de
*streets* of
of self-de
the thief.

To som
to allude
drinks;
together,
without t
abstainer,
abolished
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testamen
stance fro

In conc
the "wai
and the p
Year."
"festive s
therefore, t
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.

Bradbury and Evans, Printers, Whitefriars.



learn is manifest, out of school, in their answers to the Romanists; and the beating and ill treatment these little ones have recived has only made them more firm and bold in confessing the faith of Christ, having an answer from the Bible always ready for the opposer. Mr. Dallas examined the upper classes of most of the schools, and their readiness in Scripture proofs, and knowledge, not only of the history, but of the doctrines of Scripture, were most encouraging. One peculiar feature in the fruits of the Mission could not fail to be observed throughout the country. There is a movement in the minds of the people, which precludes that deadness and apathy often attending the mere mental reception of truth, when the heart is uninfluenced by it. These people are all either on one side or on the other, and Mr. Dallas could not go amongst them in any direction, without being either accosted by the warmest greeting, or vilest abuse.

These few facts, selected from many I should like to detail, will strengthen your conviction of the importance of the missions; and show you something of the working of the Society, as taking a position peculiar to itself—in carrying a message of salvation to the Roman Catholic population—and dealing with them as a nominal church, utterly apostate, willingly walking in darkness, and willingly keeping her children without the true Christ and without hope. It may be, that this decided Protestant position may make the

minds of many sincere and charitable persons to stand aloof from such an agency. But Ireland presents a developement of those seeds of false doctrine, which are often made palatable to English christians by the delicacy of their first germ. To such minds, a fuller discrimination of truth would lead to a keener susceptibility of the first shades of deviation from it. We can however rest in the assurance, that there are those principles in this Society's constitution which commend it to the great Head of the Church. Its leading feature is faithfulness—that grace which has so uniformly been crowned with success from St. Peter's first sermon to the present age—that which constituted the prayers of the apostolic gathering, "Grant unto thy servants that with all boldness they may speak Thy word;"—that which is so constantly connected with the promised future "crown of life." The Society's agents are not ashamed of the Gospel of Christ, and they have proved its power. There is in all its workings, a jealousy for God's truth, and a bold condemnation of all that is contrary to that truth; neither can the most scrupulous investigation of all its regulations discover that, in the exciting of its zeal for the salvation of souls, it is ever suffered to infringe on external order. The Society acts strictly in conformity with the principles of the Church, and under its authority. It will find sympathy in the heart of every English churchman who loves the word of God, and

E

B R I

E N T

F R A N C E.

LONDRES:

BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.

1850.

this stat
passions,
shame a l
are a de
*streets* of
of self-del
the thief.

To som
to allude
drinks; l
together,
without t
abstainer,
abolished,
go far to
may be do
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, eve
rage. No
are doing
putting a
or any of
we see a s
Testament
stance fro

In conc
the "wait
and the p
Year." A
"festive s
therefore, b
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.



would advance the knowledge of its saving truths. The immense expenditure it is already embarked in calls for a much larger exercise of christian liberality than it has yet received. It is a crisis which must be seized—the call is at this moment a loud one from the Sister Isle,—Come over and help us. Rome has her abundant resources ready ro crush the work, and an advance must be made on her position, or our ground will be lost. I need not ask you to do what you can, either by recommending sermons or meetings to diffuse information, or by the arrangement of local associations, and by individual subscriptions, to supply the pecuniary assistance the growing Missions so require. You know the privilege of being, even in this lesser way, a worker together with God. You need not be reminded of the promise that, a cup of cold water shall not lose its reward; and the iufluence of your position in England may, in this way, afford essential service for the regeneration of Ireland, and assist in the administration of that healing balm, which alone can cure her many social and political wounds, and make her people happy in time and in eternity.

I remain,
Yours very sincerely.

Bradbury and Evans, Printers, Whitefriars.

SOCIETY FOR IRISH CHURCH MISSIONS TO THE ROMAN CATHOLICS.

PRESIDENT.
His Grace the Duke of Manchester.

TREASURER.—J. D. Paul, Esq.

HONORARY SECRETARIES.
Rev. Alex. R. C. Dallas, Wonston Rectory, Andover-Road.
Rev. Robt. Bickersteth, M. A., St. John's Church, Clapham.

CLERICAL SECRETARY.—Rev. W. Wilkinson, A. B.

ASSISTANT SECRETARY.—John Knott, Esq.

*Office of the Society.*—14, Exeter Hall, London.

---

A copy of the foregoing Tract having been brought under the consideration of the Committee of the Society for Irish Church Missions, it was resolved that the tract should be reprinted, in the hope that its circulation may be useful in promoting the object of the Society.

The Society's papers and Information can be obtained at 14, Exeter Hall.

---

Annual subscriptions and donations will be received by the Treasurers, John Dean Paul, Esq., at Messrs. Strahan, Paul, and Co.'s, Bond; at Messrs. Williams, Deacon, and Co.'s, Birchin-lane; at Messrs. Herries, Farquhar, and Co.'s, St. James's-street; and by Messrs. Hatchard and Son, Piccadilly; Messrs. Seeley, Fleet-street and Hanover-street; and Messrs. Nisbet and Co., Berners-street. Communications are requested to be addressed to the Assistant-Secretary, John Knott, Esq., 14, Exeter Hall, London.

Printed by J. Shayler, at the Wonston Press.

E

B R I

E N T

F R A N C E.

LONDRES:
BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.
1850.

this stat
passions,
shame a
are a de
*streets* of
of self-de
the thief.

To som
to allude
drinks;
together,
without t
abstainer,
abolished
go far to
may be d
Schools,"
Bands of
merly hav
the *first*
and to un
"Honesty
there are
religious
hoped, ev
rage. N
are doing
putting a
or any of
we see a s
Testament
stance fro

In conc
the "wait
and the p
Year." A
"festive s
therefore, b
they will, from what I have stated in these pages, see that they have well secured their houses in every part, for the protection of themselves and their families.

GEORGE CRUIKSHANK.

Bradbury and Evans, Printers, Whitefriars.

# LETTRE

## DE M. LIBRI

À

M. LE PRÉSIDENT

DE

## L'INSTITUT DE FRANCE.

LONDRES:
BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.
1850.

LONDRES:
Imprimé par Schulze et Cie., 13, Poland Street.

## *Lettre de M. Libri à M. le Président*(1) *de l'Institut de France.*

Londres, le 5 Septembre 1850.

Monsieur le Président,

J'ai reçu depuis quelques semaines plusieurs lettres(2) m'annonçant que l'Académie des Sciences allait m'écrire, à l'exemple du Collège de France, et fixer un terme au-delà duquel, si je ne m'étais pas rendu à Paris pour purger la sentence de contumace portée contre moi, je serais considéré comme démissionnaire. J'attendais cette communication, pour y répondre, comme j'ai déjà eu l'honneur de répondre à M. l'Administrateur du Collège de France(3), savoir : qu'étant devenu citoyen anglais, je ne pouvais plus occuper aucun emploi en France ; et que, quant au terme qu'on me désignait pour purger ma contumace, la loi m'accordant vingt ans à cet effet, il dépendait de certains magistrats d'abréger ce terme, en rentrant dans la légalité d'où ils étaient sortis par une violation des lois telle, que l'Europe en était restée indignée. Au moment où l'on m'annonçait encore l'envoi de cette lettre, je viens de lire dans le *Moniteur* du 2 Septembre les deux décrets suivants :

" Le Président de la République,

" Vu l'arrêt de la cour d'assises de la Seine, en date du 22 juin 1850 ;

" Considérant que M. Libri, professeur au collège de France, et membre de l'Institut, a abandonné sa chaire dès le 28 février 1848 ;

(1) J'appelle *Président de l'Institut*, l'académicien qui a dû occuper cette année le fauteuil, le jour de la séance publique des cinq Académies.

(2) Dans une lettre en date du 14 Août dernier, qu'après avoir reçu ma *Lettre à M. Barthélemy Saint-Hilaire*, m'a fait l'honneur de m'écrire un des membres les plus savants et les plus spirituels de l'Institut, je trouve ce passage :

" J'aurais bien désiré que la lettre que l'Académie des Sciences doit vous écrire, et qui est la répétition de celle du Collège, fut portée *à l'Institut*. Tous ceux à qui j'en ai parlé, conviennent que c'est ce qu'on aurait dû faire. Il y a un axiôme du droit romain, qui dit quelque chose comme : *De civitate non refertur nisi maximis comitiis* (je crains que mon latin ne ressemble à celui du Procureur-Général), mais vous savez, etc."

(3) Par une lettre en date du 25 Juillet 1850, qui a été imprimée et distribuée partout.

" Sur le rapport du ministre de l'instruction publique et des cultes,

" Décrète

" Art. 1. La chaire de mathématiques du collège de France, occupée par M. Libri, est déclarée vacante.

" 2. Les sommes restées disponibles jusqu'à ce jour sur le traitement de M. Libri, feront retour au trésor public.

" 3. Le ministre de l'instruction publique et des cultes est chargé de l'exécution du présent décret.

" Fait à l'Elysée-National, le 1er septembre 1850.

" LOUIS-NAPOLEON BONAPARTE."

---

" Le Président de la République,

" Vu l'arrêt de la cour d'assises du département de la Seine, en date du 22 juin 1850 ;

" Vu la lettre de l'Académie des sciences, en date du 20 août suivant ;

" Considérant que M. Libri, membre de l'Institut, a quitté la France dès(1) le 28 février 1848 ;

" Sur le rapport du ministre de l'instruction publique et des cultes,

" Décrète

" Art. 1. Le siège occupé à l'Académie des sciences, section de géométrie, par M. Libri, est déclaré vacant.

" 2. Les sommes restées disponibles jusqu'à ce jour sur les indemnités de(2) M. Libri, feront retour au trésor public.

(1) Il semble que lorsqu'on motive sur un *considérant* unique, un décret, qui est une chose assez solennelle, on devrait pouvoir trouver un considérant qui ne fût pas absolument faux. Dans les deux décrets qu'on vient de lire, les considérants contiennent uniquement cette date du 28 Février 1848, jour où (c'est le décret qui l'affirme) j'ai *quitté la France*. Or, M. le Ministre de l'Instruction Publique aurait eu un moyen bien simple de s'assurer que cette date était fausse. C'est le 29 Février 1848, que j'ai touché *à la Sorbonne* les deux traitements attachés à la chaire du Collège de France, et à celle de la Faculté des Sciences pour le mois de Février 1848. Cela résulte des états d'émargement ; je n'avais donc pas *quitté la France* la veille. Si je relève cette erreur de date, ce n'est pas seulement pour montrer que depuis la révolution de 1848 on ne fait qu'amasser des faussetés sur mon compte en France ; cette date, qui est reproduite dans l'Acte d'Accusation, a de l'importance : on le verra dans une autre occasion.

(2) Afin, que cette locution barbare, *indemnité de M. Libri*, ne fasse illusion à personne, je dirai, une fois pour toutes, que, malgré le conseil de plusieurs de mes amis, depuis mon départ de France, je n'ai jamais touché et je n'ai jamais réclamé aucun des traitements attachés aux diverses places que j'occupais.

"3. Le ministre de l'instruction publique et des cultes, est chargé de l'exécution du présent décret.

"Fait à l'Elysée-National, le 1er septembre 1850.

"LOUIS-NAPOLEON BONAPARTE."

Je conçois que la position embarrassée dans laquelle se trouve à mon égard M. Arago, qui a été proclamé, par la voix unanime de l'Europe savante, le promoteur et le chef de la persécution dirigée contre moi, et qui, en sa qualité de secrétaire perpétuel de l'Académie des Sciences pour les mathématiques, aurait dû me donner communication de la résolution de l'Académie, ait amené un retard dans l'envoi de la lettre qu'on m'annonçait. C'est sans doute à quelque circonstance analogue que je dois de n'avoir pas eu connaissance d'une délibération(1) qui m'intéressait, et qui, si les choses s'étaient passées régulièrement, aurait dû m'être communiquée, comme l'a été celle que M. l'Administrateur du Collège de France m'a fait connaître par sa lettre en date du 6 Juillet dernier. Mais depuis le mois de Février 1848, je suis trop accoutumé à voir les formes violées en ce qui me concerne, pour m'étonner de cette nouvelle irrégularité ; ce que je ne conçois pas, c'est que le Chef de l'État, qui aurait pourtant, ce me semble, autre chose à faire en France, ait cru devoir m'accorder l'honneur de rendre à mon égard deux décrets nominatifs. Au reste, ces décrets, en réalité, ne sont pas rendus contre moi : ils sont rendus contre le Collège de France qui, malgré les sollicitations ministérielles, m'avait accordé jusqu'au 1er

(1) D'après une lettre que je reçois au moment où l'on allait mettre sous presse, voici comment se sont passées les choses. Je copie textuellement :

"Au sujet de la lettre du 20 Août de l'Académie des Sciences au Ministre (lettre mentionnée dans le second décret) M..... membre de l'Institut vous a sans doute écrit. Néanmoins je vous rapporte la substance de notre entretien.—Cette lettre paraît être une lettre *d'envoi* que l'Académie des Sciences avait adressée au Ministre de l'Instruction Publique en le priant de vous faire parvenir une autre lettre de la dite Académie conçue dans le même sens que celle du Collège de France pour vous offrir un délai de comparution à la Cour d'Assises, pendant lequel elle ajournerait toute décision académique à votre égard. Il paraît que le Ministre a fait connaître à l'Académie sa surprise d'être ainsi choisi pour intermédiaire ou commissionnaire ; qu'à la suite le Bureau de l'Académie se serait rendu auprès du Ministre. On ne rapporte rien de la conversation entre le Bureau et le Ministre. Mais la date des décrets atteste que la résolution ministérielle qui proclame la vacance de votre siège a suivi de peu de temps la démarche du Bureau. M.... trouve que l'Académie des Sciences est vive-

Décembre prochain(1), et contre l'Académie des Sciences, à laquelle son règlement donnait le droit de me considérer d'elle-même comme démissionnaire, puisque depuis plus d'un an je n'avais pas assisté aux séances de cette compagnie. C'est aux libertés de ces deux corps qu'on a porté atteinte par ces décrets qui étaient absolument inutiles, car dans une lettre imprimée depuis un mois et répandue partout, j'avais déjà déclaré que, par suite de la naturalisation que le gouvernement anglais m'avait conférée, j'étais devenu incapable d'occuper aucun emploi en France. Quant à ce qui concerne l'intervention du gouvernement dans les affaires intérieures de l'Institut et du Collège de France, c'est à ces corps illustres à aviser. En ce qui me touche, ces deux décrets ont pour seul effet de prouver que, même aux yeux du gouvernement, la sentence de contumace n'a aucune valeur ; autrement le chef de l'Etat ne rendrait pas des décrets pour me dépouiller des emplois que cette sentence m'avait ôtés déjà(2). Quand on se demande pourquoi ces décrets ont été rendus, on ne trouve d'autre raison que le besoin de produire de l'effet. On a voulu couvrir, par un nouveau coup de théâtre, la déconfiture de certains experts et de certains magistrats, qui s'étaient si ridiculement affichés en appuyant l'Accusation sur des balourdises dont j'ai signalé un échantillon dans ma *Lettre à M. Barthélemy Saint-Hilaire*. Ces balourdises excitent déjà un rire de pitié dans tous les pays où l'on sait lire. Si à chaque démenti que recevra l'Acte d'Accusation, on se croit obligé en France de rendre un décret contre moi, cela pourra mener loin, et de réponse en réponse, l'affaire deviendra très divertissante.

ment atteinte par une décision arbitraire qui la *décime* sans son concours ; c'est un précédent exorbitant et dangereux et un grave échec à l'indépendance de l'Académie. Si pareille chose se fût passée dans celle dont il fait partie, il aurait provoqué quelque résolution de sa compagnie.

"Telle est la substance de notre entretien. Mon récit ne contient sans doute aucune des *paroles* échangées *en termes exacts ;* mais il contient la *substance exacte.*"

Il n'est pas nécessaire de faire remarquer que M. Arago fait partie du *Bureau* de l'Académie, et qu'il n'en est pas le membre le moins influent.

(1) Voyez plus loin pag. 70.

(2) J'ai été, on ne l'ignore pas, condamné par contumace à dix années de réclusion ; cette peine emporte de droit la dégradation civique. (*Code pénal*, § 28) *qui consiste*, 1°. *Dans la destitution et l'exclusion des condamnés de toutes fonctions, offices, ou emplois publics*, etc. (*Code pénal*, § 34).

J'ignore si dans un pays où depuis deux siècles trop peu de voix se sont élevées pour protester contre le meurtre juridique de la Maréchale d'Ancre, il se trouvera beaucoup plus de voix pour protester contre une odieuse procédure dont la victime a merité, comme *la Florentine*, le reproche d'avoir vu le jour au-delà des Alpes. Ce que je sais bien c'est que l'Institut, qui compte tant de véritables savants dans son sein, aura un jour à regretter de n'avoir pas protesté contre cet Acte d'Accusation, à l'aide duquel on a condamné un de ses membres à dix années de réclusion, parceque, entr'autres choses, des magistrats et des experts avaient pris un Saint-Jean pour un Dix(1) ; c'est là une bévue que tous les décrets du monde n'effaceront jamais.

Comme il n'est guère probable que les regrets dont je viens de parler soient exprimés publiquement par mes savants confrères dans un délai très rapproché, et comme pourtant, il importe à la gloire de l'Institut, à laquelle je ne cesserai jamais de porter un vif intérêt, qu'un document tel que l'Acte d'Accusation ne puisse pas passer inaperçu sans qu'aucune voix s'élève à l'Institut pour signaler les innombrables erreurs qu'il contient, je prendrai la liberté, moi indigne, de montrer qu'on aurait tort à l'étranger si l'on accusait ce grand corps de donner un assentiment, même tacite, à de telles bévues, et que, si l'Institut se tait, c'est qu'il croit au-dessous de sa dignité de redresser les méprises de gens qui ne savent pas lire(2).

Ne pouvant pas signaler toutes les erreurs à la fois, permettez, Monsieur le Président, que, pour ne pas abuser de votre temps, je me borne aujourd'hui à la discussion de cette partie de l'Acte d'Accusation qui est relative à l'Institut ; c'est un sujet qui ne saurait manquer de vous intéresser. Ce que je vais dire suffira pour vous donner la mesure des erreurs à l'aide desquelles on a cru m'accabler. Je vais reproduire d'abord tout ce qui, dans l'Acte d'Accusation, se rapporte aux archives de l'Institut.

" Les archives de l'Institut, placées sous une surveillance spéciale, ne sont accessibles qu'aux académiciens.

(1) " C'est (m'écrivait ces jours-ci un savant français) la plus grosse *bourde* qui ait été commise depuis cinquante ans." Voyez à cet égard ma *Lettre à M. Barthélemy Saint-Hilaire*, pag. vi—xiv.

(2) On a vu dans ma *Lettre à M. Barthélemy Saint-Hilaire*, (pag. vi—xiv) que non seulement les experts ont lu *Dix* à la place de *Jean*, mais qu'ils ont lu aussi *Trucchi* pour *Trechi*, et que ces erreurs grossières sont devenues la base des plus graves accusations dirigées contre moi.

"Les ouvrages de science et les inventions nouvelles étant soumis à l'approbation de l'Académie qui les fait examiner par des rapporteurs choisis dans son sein, les archives devraient seules posséder les documents de ce genre, qui sont autant de précieux autographes émanés des célébrités de la science française. De tels documens ne peuvent entrer dans le commerce. Aussi, jusqu'en 1839, les ventes publiques n'en offrirent pas un seul. On y avait bien rencontré des lettres autographes de d'Alembert, Buffon, Cassini, Condorcet, Fontenelle, Lalande, etc.; mais ce fut une nouveauté que la mise en vente, à la date du 27 février 1839, de deux rapports, l'un de Clairaut et d'Alembert, l'autre de d'Alembert et Lemonnier, sur des ouvrages soumis à l'Académie; et cette nouveauté était due à Libri. C'est encore lui, et lui seul, d'après les constatations de l'expertise, qui a vendu des documens du même genre, notamment deux autres rapports de d'Alembert.

"Quarante six rapports écrits ou signés par Buffon, Vaucanson, Cassini, d'Alembert, Laplace, Condorcet, Legendre, de Jussieu, Fourcroy, etc.; ont été trouvés dans les papiers de Libri. C'est plus qu'il n'en a paru dans toutes les ventes, et ces documens n'ont pas encore figuré sur les catalogues. On a saisi en même temps de nombreuses lettres adressées par diverses personnes à Bignon, Mairan, secrétaires de l'Académie des sciences, et à Lebeau, secrétaire de l'Académie des inscriptions; deux notes, dont une de la main de Bignon, sur l'état des pensions des membres de l'Académie des sciences en 1725; une note scientifique du géographe de l'Isle, lue à l'Académie des sciences en 1726; diverses autres notes analogues déposées à l'Académie des sciences ou des inscriptions; six lettres de ministres adressées aux présidents ou directeurs de l'Académie des Sciences de 1775 à 1799, et qui trouvent leur place dans le carton N°. 35 des archives; une chemise vide dans laquelle on lit: "Procès-verbal des expériences de M. Lavoisier.... déposé à l'Académie le 7 décembre 1773." Le mémoire que cette chemise renfermait a été vendu par Libri, sous le N°. 265, le 16 avril 1846, comme étant, d'après le catalogue, des plus importants pour la science de la chimie. La provenance de ces lettres et rapports ne peut être un instant douteuse; ce sont des documens qui appartiennent nécessairement aux Archives. Que peut-il d'ailleurs manquer à la preuve de la soustraction, quand on découvre en même temps un procès-verbal original d'une séance de l'Académie des sciences signé Laplace, Lacépède, et Prony; puis une quittance rédigée et signée par Euler pour le prix qu'il remporta à l'Académie des sciences en 1772? On a saisi en outre, cinq lettres autographes laissant encore voir les traces d'une estampille ovale, imprimée à l'encre rouge, représentant un soleil au milieu de trois fleurs de lis, et qu'on a tenté d'enlever à l'aide d'un acide. Cette estampille appartient à l'Institut. La première est de

*Renaldini à Roberval.* On ne connaît pas de lettre de Renaldini qui ait passé dans les ventes. La seconde est de Torricelli au père Mersenne. Il n'a paru dans le commerce qu'une seule lettre de Torricelli, mais elle était adressée à Roberval, et c'est Libri qui la mettait en vente en 1846. Dans le catalogue des manuscrits vendus par Libri à Lord Ashburnham, on lit sous le N°. 1238: "Correspondance inédite et autographe de Torricelli avec le père Mersenne, précieux manuscrit in-folio, 17e siècle, sur papier." Or, d'une part, on ne trouve pas trace, dans les papiers de Libri, de l'acquisition qu'il aurait faite de ces lettres: d'autre part, le carton N°. 29 des Archives renferme une chemise intitulée, *Lettres de Torricelli à Carcavi, Roberval, Mersenne;* et il ne reste dans cette chemise qu'une copie d'une lettre de Torricelli au père Mersenne. Quant aux trois autres lettres, dont deux de Borda, rien non plus n'en justifie la possession entre les mains de Libri.

"Au catalogue des manuscrits vendus à Lord Ashburnham, figure un article ainsi conçu: "Manuscrits inédits et autographes de Frénicle, célèbre géomètre français du 17e siècle (très-important), in folio sur papier." Or, le carton N°. 33 des Archives contient l'indication d'ouvrages de Frénicle qui ont disparu. On lit dans le même catalogue: "Correspondance inédite et autographe "de Descartes avec le P. Mersenne, précieux manuscrit in-folio "et in 4°. 17e siècle, sur papier." "Le même carton, N°. 33, indique soixante-cinq lettres de Descartes au P. Mersenne, qui ne s'y trouvent plus. Le carton 27 renferme une chemise intitulée: "*Lettres de Descartes au P. Mersenne, et au Chevalier Cavendish,* etc." On n'y voit plus que trois lettres adressées au P. Mersenne.

"En 1836, Libri a acheté à la vente de Perrin de Sanson un recueil de lettres adressées à Gassendi, qui renfermait, d'après les énonciations du catalogue, au moins une, et peut-être plusieurs lettres de Descartes au P. Mersenne. Depuis cette époque il s'est rendu acquéreur des papiers d'Arbogast, contenant, dit-il, de nombreux autographes, notamment de Descartes. Mais alors même qu'il justifierait de l'acquisition légitime d'un certain nombre de ces pièces, il resterait toujours à sa charge le fait de la détention inexplicable de documents nécessairement soustraits à l'Institut."

L'Acte d'Accusation est si diffus, il est rédigé d'une manière si peu logique(1), les assertions qu'on y trouve sont si souvent séparées des argumens ou des hypothèses sur lesquels on a cru pouvoir les appuyer, qu'on serait fort éloigné

(1) Ce document, on a dû s'en apercevoir, est en outre écrit dans un bien singulier français. C'est là un point sur lequel je pourrai revenir.

de se rendre compte de la pensée qui a dirigé les magistrats, si l'on s'en tenait à un paragraphe spécial, et à ce qui, dans ce document, peut concerner un établissement particulier. Sans rien faire perdre à la gravité de l'Accusation, et en fortifiant, au contraire, chaque charge particulière par les considérations générales qui s'y rapportent, je vous demanderai la permission, M. le Président, de répondre point par point à cette partie de l'Acte d'Accusation que je vais résumer en y ajoutant successivement les arguments répandus dans tout ce document, et à l'aide desquels on a cru pouvoir me condamner. Je les reproduirai ici sans nullement les affaiblir. Bien que par ce moyen je puisse être entraîné à quelques répétitions, il me serait difficile de faire autrement dans une réfutation dont les différentes parties doivent paraître séparément. Car, tout en repoussant les unes après les autres, dans chacune de mes réponses, les charges que l'on a dirigées contre moi, j'aurai sans cesse à combattre les tendances des magistrats et les principes généraux qu'ils ont posés dans l'Acte d'Accusation.

Le procédé employé constamment par les magistrats, le voici : ils croient savoir, ou ils supposent, que telle pièce ou tel objet a été entre mes mains ; ils croient savoir, ou ils supposent, que la même pièce ou le même objet avait appartenu à un établissement public, et ils n'admettent même pas la possibilité que la chose incriminée ait pu passer par d'autres mains avant d'arriver dans les miennes. Pour exclure d'avance cette possibilité, croyant connaître, par l'expertise, les premières ventes dans lesquelles auraient figuré des objets qui m'appartenaient, ils déclarent hardiment que c'est moi qui *le 27 Février* 1839 (c'est l'Acte d'Accusation qui détermine cette date capitale), ai mis le premier en vente ces objets, et que, par suite, c'est moi qui les ai dérobés. Notez bien qu'il ne s'agit pas de tel ou tel objet particulier dont la possession serait considérée comme criminelle : l'Acte d'Accusation a horreur de toute indication précise ; c'est l'espèce, le genre même qu'on proscrit d'une manière absolue. Ce n'est pas tel rapport fait à l'Académie des Sciences ou à l'Académie des Inscriptions, ce n'est pas une lettre adressée au secrétaire perpétuel ou au président de l'une ou de l'autre de ces Académies ; ce n'est pas, enfin, une pièce déterminée ayant pu appartenir à une des Académies, dont la possession est incriminée. Ce sont *tous* les mémoires, *tous* les rapports présentés aux différentes Acadé-

mies; ce sont *toutes* les pièces de la correspondance, ce sont *tous* les documents, en un mot, qui ont pu appartenir, n'importe à quelle époque, à une de ces compagnies savantes, dont la possession est considérée comme un crime. *De tels documents,* dit l'Accusation, *ne peuvent entrer dans le commerce,* et elle ajoute plus loin, *alors même qu'il* (Libri) *justifierait de l'acquisition légitime d'un certain nombre de ces pièces, il resterait toujours à sa charge le fait de la détention inexplicable de documents nécessairement soustraits à l'Institut.* Ces principes sont bien absolus : nous en verrons les conséquences plus loin(1).

Pour déterminer à mon détriment l'époque à laquelle certains documents auraient été mis d'abord en circulation, les experts et les magistrats se sont appuyés sur un ouvrage dont j'ai eu l'occasion de dire deux mots dans ma *Lettre à M. Barthélemy Saint-Hilaire.* Cet ouvrage c'est le *Manuel de l'amateur d'autographes,* par M. Fontaine(2) ; livre précieux, où, entre autres choses, on apprend à ranger Beaumarchais parmi les *femmes distinguées,* et Gabrielle d'Estrées parmi les personnages du xve siècle ; où l'on apprend aussi qu'il existe des lettres adressées par Pascal à son pseudonyme Dettonville(3). Pour ne pas se répéter sans cesse, il faut glisser rapidement sur ce point ; cependant, lorsqu'on voit les magistrats trancher avec une telle assurance des questions de bibliographie ou d'érudition, si intimement liées à ce qui forme l'objet principal de l'Accusation, il est impossible de ne pas chercher à se rendre compte du poids des autorités sur lesquelles ils se sont appuyés pour me condamner. Qu'on me permette donc de faire remarquer que ce beau livre de M. Fontaine, cité d'abord textuellement par les magistrats(4), et dont ils reproduisent parfois les

(1) Lisez pag. 14, 27, et suiv.

(2) Paris, 1836, in-8vo.

(3) Voyez, pour plus de détails, ma *Lettre à M. Barthélemy Saint-Hilaire,* pag. 21, et suiv.

(4) " Avant 1836, l'autographe de Casaubon," dit le *Manuel de l'amateur d'autographes,* par Fontaine, " bien que recherché, n'avait point encore passé dans les ventes." (Lisez l'*Acte d'Accusation* dans le *Moniteur Universel,* du Samedi 3 Août 1850, pag. 2695). J'ai déjà cité comme *spécimen,* dans ma *Lettre à M. Barthélemy Saint-Hilaire,* une vente antérieure à 1836, dans laquelle avaient figuré des autographes de Casaubon.

assertions sans le nommer(1), ne contient pas seulement les balourdises que je viens de rappeler, mais que lors même que l'auteur cherche à determiner les autographes qui auraient passé dans les ventes avant 1836, il tombe dans les erreurs et les contradictions les plus étranges. Ainsi pendant qu'aux pages 235, 271, 215, 232, on lit dans le *Manuel* de M. Fontaine, que les autographes d'Hobbes, de Peiresc, de Ducange, d'Haller, n'avaient pas encore passé dans les ventes en 1836, époque de la publication de ce livre, on trouve aux pages 95, 99, 133, 134, de ce même *Manuel*, l'indication de différentes ventes dans lesquelles ces mêmes autographes d'Hobbes, de Peiresc, de Ducange, et d'Haller, avaient déjà figuré. Voilà quel est le Code des magistrats en fait d'érudition; voilà sur quelles autorités ils s'appuient pour condamner les gens! J'aurai l'occasion de revenir sur ce livre précieux. Pour le moment je ferai remarquer qu'il ne faut pas imputer à M. Fontaine, dont le livre a paru en 1836, des assertions erronées de l'Acte d'Accusation qui se rapportent à des temps plus rapprochés de nous. Ce sont les experts, ce sont les magistrats qui, se faisant les continuateurs de M. Fontaine, doivent porter seuls la responsabilité des erreurs contenues, par exemple, dans le petit paragraphe suivant, paragraphe que je reproduis en l'isolant, afin de faire bien comprendre ce que valent les assertions les plus tranchantes de l'Acte d'Accusation:

"Ce fut une nouveauté que la mise en vente, à la date(2) du 27 février 1839, de deux rapports, l'un de Clairaut et d'Alem-

(1) Par exemple dans ce paragraphe de l'Acte d'Accusation, où ils disent: "Libri est le premier qui ait produit des autographes de Peiresc dans les ventes publiques." (*Moniteur*, pag. 2695). C'est là une des innombrables bévues de M. Fontaine, qui pourtant a rectifié, sans le vouloir il est vrai, à la page 99 de son *Manuel*, cette erreur qui se lit à la page 271 de ce même livre. Les magistrats, bien entendu, ont adopté la bévue, et n'ont eu aucun égard à la rectification.

(2) Quelques lignes plus haut les magistrats avaient déjà dit, au sujet des rapports présentés aux Académies. (Voyez ci-dessus pag. 8): "De tels documents ne peuvent entrer dans le commerce. Aussi, jusqu'en 1839, les ventes publiques n'en offrirent pas un seul." Il n'y a donc pas de malentendu possible. C'est en 1839 que ces documents auraient été mis en vente pour la première fois. Cette date est un des points fondamentaux de l'Accusation.

bert, l'autre de d'Alembert et Lemonnier, sur des ouvrages soumis à l'Académie ; et cette nouveauté était due à Libri. C'est encore lui, et lui seul, d'après les constatations de l'expertise, qui a vendu des documents du même genre, notamment deux autres rapports de d'Alembert."

Nous allons maintenant opposer de simples faits à cette suite d'hypothèses erronées, et il suffira d'une bien courte discussion pour faire écrouler tout ce bel échafaudage.

J'admets, pour le moment, que les pièces qu'on dit avoir trouvées chez moi n'aient pas été introduites dans mon appartement après mon départ ; j'admets de même que les deux rapports qu'on dit avoir été mis en vente en 1839 m'aient réellement appartenu. Quoique la manière irrégulière(1) dont l'expertise et les saisies ont été faites, doivent inspirer la plus grande méfiance, je ne prendrai pas la peine de contester ces assertions du parquet, et je me bornerai à appliquer les principes posés par les magistrats dans la vue de me nuire. Nous verrons sur qui tomberont les coups qui m'étaient destinés.

D'après ce qui précède, il est évident que le blâme que les magistrats ont déversé sur moi, pour avoir montré en 1839 que je possédais des rapports ou d'autres pièces qui ont pu appartenir autrefois aux archives des différentes Académies, doit s'appliquer également à tous ceux qui avant moi auraient possédé des pièces analogues. Dans l'immense quantité de faits que je pourrais opposer aux assertions des magistrats, je me bornerai à un très petit nombre(2), qui suffiront pour montrer quelle légèreté et quelle ignorance ont présidé à l'instruction dirigée contre moi. A l'Acte d'Accusation, qui dit que j'ai été LE PREMIER à mettre en vente, en 1839, des rapports provenant des Académies, j'opposerai le catalogue de la vente des autographes de M. Monmerqué, *membre de l'Institut* et *Conseiller à la Cour Royale de Paris*, vente qui eut lieu le 2 Mai 1837, et où je trouve,

(1) C'est là un point que je traiterai *ex-professo* une autre fois ; voyez du reste, plus loin pag. 65.

(2) Ici comme plus loin, pag. 27, et suiv. je ne prends les exemples que chez des collecteurs, dont les noms ont brillé sur la liste de l'Institut.

au No. 115, un rapport de Berthollet(1), qui porte cette indication :

" Berthollet, savant chimiste.
" Rapport entièrement écrit de sa main et signé du 12 mars, 1785, sur l'aéromètre."

Au même Acte d'Accusation, qui, après avoir dit que *cette nouveauté était due à M. Libri*, ajoute si positivement :

" C'est encore lui, et lui SEUL, d'après les constatations de l'expertise, qui a vendu des documens du même genre, notamment deux autres rapports de d'Alembert."

Je répondrai par le catalogue de la vente des autographes de Mme. la Marquise de Dolomieu, où je vois sous les noms de Condorcet et de Jussieu, les indications suivantes :

" No. 125. Délibération des commissaires de l'Académie des Sciences, du 24 mars 1790, relativement à des prix décernés et à décerner pour des dissertations sur les planètes, et signée DE CONDORCET, PINGRÉ, BOSSUT, CASSINI et BAILLY. 1 page et demie in-8.
" No. 249. JUSSIEU (Antoine-Laurent de), célèbre botaniste.
" Rapport aut. sig., fait à l'Académie des Sciences, sur l'ouvrage imprimé de M. Achille Richard intitulé : *Nouveaux Eléments de botanique appliqués à la médecine* (sans date), 2 pages in-4."

J'y répondrai également par le catalogue de la vente de M. Huzard, membre de l'Institut, où je vois au No. 5836, (IIIème Part. p. 494), dans un lot de quinze pièces, l'indication de divers rapports de Vic D'Azyr portés au catalogue ainsi qu'il suit :

" La 4ème (pièce) est un Rapport sur l'Ouvrage de Geoffroy, relatif à *l'Organe de l'Ouïe*. La 6ème (pièce) est un Rapport sur la Machine de l'Abbé Mical : cette pièce est de plus revêtue des signatures MILLIN, LEROY, et LAPLACE." (2)

J'y répondrai, enfin, par un rapport fait à l'Académie des Sciences le 31 Janvier 1776, et signé par Adanson, Lavoisier

(1) Je dirai, une fois pour toutes, qu'aucune des pièces qui ont figuré aux ventes Monmerqué, Dolomieu, Huzard, etc. etc., et dont il est question dans la présente lettre, ne m'avait jamais appartenu.
(2) Le No. 5389 du même catalogue contient d'autres *Rapports sur divers sujets*.

et Messier, rapport qui est entre mes mains, et qui provient des papiersde Buache, Membre de l'Institut, comme le prouvent des annotations qu'il porte et qui sont parfaitement identiques(1) à celles qu'on voit sur la plupart des pièces qui composaient cette immense collection de correspondances, de mémoires, de pièces de toute nature, sorties de l'Observatoire, du Dépôt de la Marine et de l'Institut.

Dans ma Lettre à M. Barthélemy Saint Hilaire j'ai déjà dit comment ces pièces furent mises en vente en 1826 ; elles se trouvent indiquées en bloc, en deux lots, composés de QUATRE-VINGT-NEUF PORTEFEUILLES OU CARTONS, à la fin du catalogue de Buache, et se sont répandues partout. Quand j'aurai à repousser les calomnies sorties directement de l'Observatoire, je reviendrai en détail sur la collection de Buache et sur ce qu'elle contenait ; je dirai ce qu'elle est devenue, et où je m'en suis procuré, même récemment, des parties. Pour le moment je dois me borner à des indications très sommaires.

Je pourrais continuer l'énumération des démentis donnés par des catalogues qui sont entre les mains de tout le monde, aux assertions si plaisamment magistrales qui ont servi de base à ma condamnation. Mais ayant beaucoup d'autres choses à dire, je dois abréger autant que possible, et il me semble qu'à des juges qui affirment une fausseté, et qui, à l'aide de cette fausseté, vous condamnent à dix années de réclusion, on ne peut mieux répondre qu'en montrant par quelques exemples bien choisis, que les faits disent NON chaque fois que l'Accusation dit OUI. Lorsqu'à l'aide de ces faits j'aurai renversé, pièce à pièce, toutes les assertions pompeuses, toutes les insinuations malveillantes, toutes les suppositions ridicules de l'Acte d'Accusation, et qu'il ne restera plus qu'un monceau de ruines de ce monument colossal dressé contre moi, je m'embarrasserai fort peu de la condamnation qui m'a frappé, et d'une flétrissure qui rejaillira sur le front de mes ennemis(2).

Reprenons. Après avoir si bien prouvé que j'ai mis en circulation *le premier*, et que moi SEUL, j'ai fait passer dans des ventes des rapports provenant des archives de l'Institut,

(1) Voyez plus loin, pag. 39, et suiv.

(2) C'est un célèbre géomètre allemand, M. Stern, qui dans le *Gelehrte Anzeigen*, publié sous la direction de l'Académie des Sciences de Göttingen, a déjà dit que j'avais imprimé une *marque d'infamie* sur le front de mes calomniateurs.

l'Acte d'Accusation va plus loin, et il me trouve coupable parceque j'aurais possédé des lettres adressées par diverses personnes à des secrétaires ou à des présidens des différentes Académies, des notes ou des mémoires lus aux séances de ces mêmes Académies, des procès-verbaux, des quittances, et d'autres pièces analogues. Comme je tiens par-dessus tout à l'exactitude, avant de répondre, je vais reproduire ici un passage de l'Acte d'Accusation que j'ai déjà donné plus haut, mais qu'il est bon d'avoir sous les yeux au moment de lire ma réponse :

"On a saisi en même temps de nombreuses lettres adressées par diverses personnes à Bignon, Mairan, secrétaires de l'Académie des sciences, et à Lebeau, secrétaire de l'Académie des inscriptions ; deux notes, dont une de la main de Bignon, sur l'état des pensions des membres de l'Académie des sciences en 1725 ; une note scientifique du géographe de l'Isle, lue à l'Académie des sciences en 1726 ; diverses autres notes analogues déposées à l'Académie des sciences ou des inscriptions ; six lettres de ministres adressées aux présidents ou directeurs de l'Académie des sciences de 1775 à 1799, et qui trouvent leur place dans le carton N°. 35 des archives ; une chemise vide sur laquelle on lit : "Procès-verbal des expériences de M. Lavoisier . . . déposé à l'Académie, le 7 décembre 1773." Le mémoire que cette chemise renfermait a été vendu par Libri, sous le N°. 265, le 16 avril 1846, comme étant, d'après le catalogue, *des plus importants pour la science de la chimie*. La provenance de ces lettres et rapports ne peut être un instant douteuse ; ce sont des documens qui appartiennent nécessairement aux Archives. Que peut-il d'ailleurs manquer à la preuve de la soustraction, quand on découvre, en même temps, un procès-verbal original d'une séance de l'Académie des sciences signé Laplace, Lacépède, et Prony ; puis une quittance rédigée et signée par Euler pour le prix qu'il remporta à l'Académie des sciences en 1772? On a saisi en outre cinq lettres autographes laissant encore voir les traces d'une estampille ovale imprimée à l'encre rouge représentant un soleil au milieu de trois fleurs-de-lis et qu'on a tenté d'enlever à l'aide d'un acide. Cette estampille appartient à l'Institut."

Ce paragraphe contient un si grand nombre d'erreurs, on y rencontre tant d'hypothèses malveillantes appuyées sur de fausses assertions, que, malgré mon désir d'abréger et en me restreignant à un très petit nombre de preuves, je crains qu'on ne me trouve beaucoup trop prolixe ; mais c'est la

faute des magistrats qui ont rédigé l'Acte d'Accusation. S'ils n'avaient pas accumulé tant de faussetés, je n'aurais pas tant de démentis à leur donner.

Je ferai connaître plus loin(1) l'origine des pièces qui ont été en ma possession ; pour le moment, je me borne à combattre les faux raisonnements et à contredire les suppositions mensongères sur lesquelles s'appuie l'Accusation. Qu'on me permette de résumer en deux mots les charges dont je suis l'objet sur ce point.

Les magistrats croient savoir que certaines lettres qui m'avaient appartenu, sont sorties des archives de l'Institut. Les preuves qu'ils en donnent, sont que ces lettres ont été adressées à des secrétaires de l'Académie des Sciences, (parmi lesquels ils citent Bignon), ou à des secrétaires des autres Académies. Ils supposent qu'aucune pièce, qu'aucun mémoire, qu'aucun rapport ayant appartenu à une époque quelconque à une de ces Académies, n'a jamais pu sortir des Archives avant le moment où on aurait rencontré quelques-unes de ces pièces entre mes mains. Ils admettent ainsi la parfaite régularité de la conservation de ces documents, régularité qui n'aurait jamais été interrompue. Pour prouver que les pièces incriminées ont dû être soustraites récemment des archives de l'Institut, ils citent cinq lettres autographes, laissant voir encore les traces d'une estampille représentant un soleil au milieu de trois fleurs-de-lis, et ils ajoutent : *Cette estampille appartient à l'Institut.* C'est donc moi, moi SEUL, qui ai mis au pillage les archives de l'Institut, restées intactes jusqu'alors ; c'est moi, moi SEUL, qui ai mis en vente des documents que personne n'avait jamais possédés ni mis en circulation ; la possession prouve la soustraction ; et lors même que je pourrais montrer la provenance légitime de ces pièces, si je n'étais pas un *voleur*, je serais un *recéleur*. C'est l'Accusation qui le dit en ces propres termes :

"La provenance de ces lettres et rapports NE PEUT ÊTRE UN INSTANT DOUTEUSE ..... Que peut-il d'ailleurs manquer à la preuve de la soustraction ? ..... Mais alors même qu'il (Libri) justifierait de l'acquisition légitime d'un certain nombre de ces pièces, il resterait toujours à sa charge le fait de la détention

(1) Voyez pag. 40—51, etc.

inexplicable de documens nécessairement soustraits à l'Institut."

L'Accusation, on le voit, dans sa confiance triomphale NE DOUTE PAS UN INSTANT que la possession seule d'un document qui aurait appartenu aux Académies, d'une lettre par exemple adressée à BIGNON, SECRÉTAIRE DE L'ACADÉMIE DES SCIENCES(1), ne soit une preuve de culpabilité. Si l'on peut prouver l'origine, on est un recéleur; si on ne le peut pas, on est un voleur. Vous verrez plus loin, Monsieur le Président, quelles sont les conséquences nécessaires de ces principes posés d'un manière si tranchante par certains magistrats.

Il me semble d'abord, que quand on se permet de parler de l'Institut, et qu'on se propose de porter atteinte à l'honneur d'un membre de ce grand corps, il faudrait n'aborder ce sujet qu'avec gravité, et presque en tremblant. Les Académies dont il se compose ne forment pas une compagnie de lettrés chinois, dont il serait permis à la rigueur d'ignorer l'histoire. Ce sont les corps qui, depuis environ deux siècles, ont contribué le plus à la gloire intellectuelle de la France, ce sont les corps auxquels, depuis l'origine, tous les grands hommes de l'Europe ont tenu à honneur d'être associés. Les sommités de la magistrature ont trop souvent brigué l'honneur de voir leurs noms inscrits sur les registres des Académies pour qu'il soit permis à n'importe quel magistrat, ce magistrat ne fût-il que M. Hatton, M. Puget ou M. Portier(2), d'ignorer absolument les annales du génie français. Mais, en avançant, on en sera de plus en plus convaincu, dans toute cette persécution l'ignorance, le mensonge et la haine se disputent le pas. On a trouvé, dit-on, chez moi des lettres de Bignon (on ne dit pas(3) lequel), et comme on veut absolument que j'aie pillé les papiers de

(1) Les magistrats sont si certains que Bignon *a été* secrétaire de l'Académie des Sciences qu'ils ont répété deux fois cette bévue dans l'Acte d'Accusation. " On a saisi en même temps de nombreuses lettres, adressées par diverses personnes à Bignon, Mairan, secrétaires de l'Académie des sciences.... Plusieurs lettres adressées à Bignon, Mairan, et Lebeau, secrétaires de l'Académie." (*Moniteur*, pag. 2694 et 2697). Il est à peine nécessaire de faire remarquer que, dans cette dernière phrase, on a fait de l'Académie des Sciences et de celle des Inscriptions, une seule Académie.

(2) Ce n'est pas la dernière fois que j'aurai à parler de ces magistrats qui, à des degrés différens, ont pris une grande part à l'instruction dirigée contre moi.

(3) On n'a qu'à ouvrir la *Biographie Universelle* pour voir combien

l'Institut, on fait de ce Bignon, un secrétaire de l'Académie des Sciences; et l'on en conclut qu'en cette qualité il a dû laisser dans les archives de l'Académie, les lettres qui lui étaient adressées; que par conséquent j'ai dû dérober celles que je possédais. Or, aucun des Bignon (famille illustre dans la robe et dont des magistrats devraient mieux connaître(1) l'histoire) n'a été secrétaire de l'Académie des Sciences, ni d'aucune des autres Académies dont se compose aujourd'hui l'Institut. Donc, je n'ai pas pu prendre dans les Archives de l'Académie des papiers qui n'ont jamais dû y être(2). Il n'est pas dans mes habitudes de m'exprimer d'une façon si sèche; mais je réponds ici, Monsieur le Président, à des hommes qui m'ont appris à NE PAS DOUTER. Les historiens de la magistrature française ont remarqué, qu'un des juges de

d'hommes distingués ont porté le nom de Bignon. Des lettres adressées aux différens Bignon, se trouvent dans beaucoup de collections, comme le savent tous ceux qui ont quelque connaissance des autographes. L'Acte d'Accusation, en parlant de *Bignon* d'une manière absolue, a pétri tous les Bignon ensemble pour en former un secrétaire de l'Académie des Sciences.

(1) Voici comment s'exprime Mairan dans l'éloge de l'Abbé Bignon, *membre honoraire*, de l'Académie des Sciences. " Il étoit fils puîné de Jerôme Bignon, Conseiller d'Etat ordinaire, Avocat général au Parlement de Paris, et maître de la Librairie du Roi, et de Suzanne Phelypeaux de Pontchartrain; et petit-fils de Jérôme Bignon, cet illustre Magistrat que les derniers siècles peuvent hardiment opposer aux plus grands personnages de l'Antiquité." (*Dortous de Mairan, Eloges des Académiciens*, etc. Paris, 1747, in-12. pag. 288—289).

(2) Si l'*Abbé Bignon* est le Bignon dont, pour me nuire, l'Acte d'Accusation a fait un secrétaire de l'Académie des Sciences, voici ce que je lis dans son éloge, par Mairan: " Il entretenoit des correspondances dans tous les pays du monde.... M. l'Abbé Bignon a laissé parmi ses papiers un grand nombre de Lettres de Sçavans, et les minutes de ses réponses. On doit aussi y avoir trouvé plusieurs de ses Sermons qu'il avoit revûs et mis en ordre pendant sa retraite pour être publiés après sa mort, si sa famille et ses amis le jugeoient à propos ... Ils (ses ouvrages) sont tous Manuscrits, et entre les mains de sa famille, ainsi qu'il a été dit dans son Eloge, à l'exception de son *Discours prononcé le* 15 *Juin* 1693, *lorsqu'il fut reçu* (à l'Académie Françoise)" (*Dortous de Mairan*, ibid, pag. 308, 311 et 313). Il est probable que Mairan, qui était *véritablement* secrétaire de l'Académie des Sciences à l'époque de la mort de Bignon, savait mieux que les rédacteurs de l'Acte d'Accusation ce qu'étaient devenus les papiers et la correspondance de ce savant Abbé, papiers, qu'il nous dit être entre les mains de sa famille, et non pas dans les archives de l'Académie des Sciences; or il devait connaître ces archives au moins aussi bien que les experts.

Lally avait demandé, s'il était vrai que Pondichéry fût à deux cents lieues de Paris. Alors l'ignorance savait encore douter; aujourd'hui elle procède avec plus d'assurance: elle affirme que Bignon a été secrétaire de l'Académie des Sciences, et s'empresse de me condamner sur ce beau motif. Notre siècle est le siècle du progrès.

Et cette estampille avec les trois fleurs-de-lis *qui appartient,* dit l'Acte d'Accusation, *à l'Institut ?* Qu'en dites-vous, Monsieur le Président ? N'est-il pas souverainement ridicule de dire d'une manière si affirmative : *Cette estampille appartient à l'Institut,* lorsqu'on sait que l'Institut a été fondé par la Convention, laquelle n'aurait certes pas été chercher les armoiries de cet *infâme Capet* pour en former l'écusson d'une institution d'origine républicaine. C'est là une balourdise qu' aurait su éviter le fameux Hérault de Séchelles lui-même, qui, chargé en 1793 de rédiger *pour lundi,* un plan de Constitution, demandait les *loix de Minos*(1) afin de s'en aider dans son travail. L'Institut, qui depuis sa création a dû changer à plusieurs reprises son estampille par suite de révolutions politiques, qui ne sont pas très rares en France, n'a jamais repris, que je sache, ce sceau du soleil et des fleurs-de-lis, qui, comme nous l'apprend Fontenelle(2), fut adopté par l'Académie des

(1) Voici la lettre par laquelle cet ancien conventionnel demandait ces lois. Le *fac-simile* de cette lettre se voit dans *l'Isographie :*

" 7 Juin 1793, l'an 2 de la répub.

" Cher concitoyen,

" Chargé avec 4 de mes collègues de préparer pour lundi un plan de Constitution, je vous prie en leur nom et au mien de nous procurer sur le champ les loix de Minos, qui doivent se trouver dans un recueil de loix grecques, nous en avons un besoin urgent.

" HÉRAULT (DE SÉCHELLES).

" Salut, amitié, fraternité, au brave Citoyen Desaulnays."

Il est bon de noter que l'erreur dans laquelle est tombé Hérault de Séchelles n'a fait que le couvrir de ridicule, et que, sans préjudice du ridicule, les erreurs dont fourmille l'Acte d'Accusation ont servi de prétexte pour me condamner à dix années de réclusion.

(2) " On travailla ensuite à trouver un Sceau et une Devise pour la Compagnie. Le Sceau fut un soleil, symbole du Roi et des Sciences, entouré de trois Fleurs de Lis." (Voyez l'*Histoire du renouvellement de l'Académie des Sciences en* 1699, *par Fontenelle,* en tête des *Eloges des Académiciens,* par le même. *La Haye,* 1731, 2 vols. in-12. tom. I. pag. 17).

Sciences, après son renouvellement en 1699, figura d'abord sur le titre des volumes des Mémoires de l'Académie, fut remplacé ensuite par trois fleurs-de-lis seulement sur le titre, et fut enfin relégué dans des fleurons, ou des culs-de-lampe à l'intérieur des volumes. Il avait déjà disparu complètement du volume, publié en 1790, des Mémoires de l'Académie des Sciences pour l'année 1788, bien que sur le titre figurassent encore les trois fleurs-de-lis, sans soleil, c'est-à-dire, les armes de France. Non seulement cette vieille estampille du soleil au milieu de trois fleurs-de-lis, qui a plus de cent cinquante ans de date, n'a jamais appartenu à l'Institut, mais elle n'a jamais appartenu aux autres Académies. L'Académie des Inscriptions et Belles-Lettres, par exemple, prit pour sceau, vers la même époque, les trois fleurs-de-lis avec le portrait du roi au milieu(1). Certains magistrats, on me l'assure, cultivent avec succès le logogriphe et le rébus. Si à ces études intéressantes, ils ajoutent celle des sceaux et des devises, ils s'abstiendront, peut-être, de condamner désormais un homme à dix années de réclusion, parceque, entre autres considérants, l'estampille de l'Institut est UN SOLEIL AU MILIEU DE TROIS FLEURS-DE-LIS. Cela ne rappelle-t-il pas ce grief produit contre l'infortuné Lally, qu'on fit marcher au supplice un baîllon dans la bouche, parceque, entre autres considérants, *il avait fait chanter un capucin*(2) *dans la rue* ? L'analogie est assez frappante ; il n'y manque que le baîllon.

Toutes ces faussetés, mises en avant avec un ton si magistral, ont pour but, de forger, n'importe par quels moyens, des charges innombrables pour en imposer au vulgaire, et de faire croire, en ce qui concerne l'Institut, qu'on aurait découvert chez moi des objets qui nécessairement devaient se trouver la veille dans les archives des différentes Académies. Ce sont ces faussetés-là que j'ai à démentir en ce moment pour montrer quel est l'esprit dans lequel l'acte d'Accusation est rédigé, et quelle est la valeur de cet amas de

(1) " Pour le sceau le Roy trouva bon que l'Académie prit les armes mesmes de France avec une médaille d'or au milieu, où serait gravée la teste de Sa Majesté." (*Histoire de l'Académie Royale des Inscriptions et Belles-Lettres*, Paris, 1717, et suiv. in-4to. tom. 1. pag. 24).

(2) C'est, on ne le sait que trop, le No. 105 des griefs accumulés contre Lally.

puériles inventions et d'hypothèses absurdes, qui a servi de base à la persécution dont je suis l'objet.

Et d'abord, quant à cette conservation parfaite des collections appartenant aux anciennes Académies et dont rien, au dire de l'Accusation, n'aurait jamais altéré la complète intégrité, ce n'est pas vous, Monsieur le Président, qui pourriez croire à de pareilles fables. Si l'on ignore au Palais de Justice l'histoire des Académies, on ne l'ignore pas certes au Palais Mazarin, et vous pouvez apprendre à certains magistrats que l'Académie des Sciences, par exemple, ne possédait pas seulement des archives, mais qu'elle avait aussi un laboratoire, un cabinet rempli d'instruments de physique et d'astronomie, des collections de toute nature d'un très grand prix, et que, malgré les précautions et les inventaires prescrits par les règlemens(1), toutes ces richesses ont disparu *sans qu'on en ait trouvé trace*(2) exactement comme si elles avaient été déposées *sur le bureau de l'un des employés du parquet.*

On me ferait bien plaisir si l'on m'indiquait, par exemple, le carton des Archives dans lequel se trouverait le télescope, dont Galilée s'est servi pour faire ses plus éclatantes découvertes. Ce télescope était *conservé dans le cabinet de l'Académie, à qui un savant Italien*(3) *en a fait présent.* Les

(1) Voici ce que disent à ce sujet les articles XLIII et XLIV du règlement de l'Académie des Sciences, daté du 26 Janvier 1699.

" § XLIII. Le Trésorier aura en sa garde tous les livres, meubles, instrumens, machines ou autres curiosités appartenant à l'Académie, lorsqu'il entrera en charge ; le Président les lui remettra par inventaire ; et au mois de Décembre de chaque année, ledit Président recolera ledit inventaire pour l'augmenter de ce qui aura été ajouté durant toute l'année."

" § XLIV. Lorsque les Savans demanderont à voir quelqu'une des choses commises à la garde du Trésorier, il aura soin de les leur montrer, mais il ne pourra les laisser transporter hors des salles où elles seront gardées, sans un ordre par écrit de l'Académie."

(2) Dans ma *Lettre à M. Barthélemy Saint-Hilaire*, j'ai déjà fait remarquer la charmante désinvolture avec laquelle les magistrats parlent des vols qui se commettent dans le sanctuaire même de la justice. Le passage de l'Acte d'Accusation, où il est question du Cortigiano de Grolier porté à 519 francs à ma vente, ne saurait être assez reproduit :

" Il (ce *Cortigiano*) fut donc saisi entre les mains de l'acquéreur; mais cet ouvrage, placé sous triple cachet par le Juge d'Instruction de Lyon, parvint sur le bureau de l'un des employés du parquet, et disparut sans qu'on en ait trouvé trace." (*Moniteur*, pag. 2693).

(3) Voyez l'*Histoire de l'Académie des Sciences, depuis son établisse-*

italiens ont du bon quelquefois ; ce n'est pas le seul présent qu'ils aient fait(1) On me ferait aussi grand plaisir de m'indiquer le coin de la bibliothèque de l'Institut où se voient les six cent soixante volumes tirés en 1673 de la Bibliothèque du Roi, et remis par ordre de Louis XIV à l'Académie Française(2) ; j'aimerais surtout à voir le *sceau original* où l'on avait gravé en 1699 pour l'Académie des Sciences, ce soleil au milieu de trois fleurs-de-lis, qui est devenu (comme l'affirme l'infaillible Acte d'Accusation) l'*estampille de l'Institut !* Faites-vous le représenter, Monsieur le Président ; ce sceau doit exister ; les magistrats l'ont sans doute vu, puisqu'ils en parlent avec tant d'assurance. Mais j'entends d'ici, M. Hatton ou M. Puget s'écrier qu'à la rigueur, la bibliothèque, le cabinet et les collections les plus précieuses des Académies ont bien pu être un peu pillées, mais que les archives sont restées toujours parfaitement intactes, sans perdre une seule feuille de papier. A cette assertion, qui d'elle-même semblerait déjà assez singulière, vous vous empresserez de répondre, Monsieur le Président, en mettant sous le doigt de ces savans magistrats deux passages qui se lisent en tête du volume publié en 1797, des Mémoires de l'Académie des Sciences pour l'année 1790, et du tome XLVII, imprimé en 1809, des Mémoires de l'Académie des Inscriptions et Belles-Lettres. Dans le premier de ces deux volumes, Jérôme De Lalande, grand ami des sans-culottes, auxquels il montrait la lune sur le Pont-Neuf, (j'entends avec les télescopes de l'Observatoire), et qui savait renchérir sur le brouet noir des Spartiates du temps, en avalant *en soirée* des araignées et des scorpions vivans, attribue aux *distractions* du secrétaire perpétuel les pertes qu'auraient pu subir les archives de l'Académie des Sciences

*ment en* 1666, etc. (Paris, 1733, in-4to. tom. I. pag. 16). Il existe à Florence au Muséum d'Histoire Naturelle, dans un bâtiment attenant au Palais même du Grand-Duc de Toscane, un télescope dont Galilée s'est servi. J'ignore s'il porte quelque part cette *estampille de l'Institut, un soleil au milieu de trois fleurs-de-lis.* Il n'y aurait pas grand mal, ce me semble, à engager les experts à prendre des renseignemens à cet égard. Si c'est M. Lalanne qui est chargé de cette nouvelle expertise, il pourrait, en se rendant à Florence, passer par Plaisance, et visiter cette église de S. Io. IN CANALIBUS, qui lui avait fourni matière à faire de si jolies découvertes dans le *Catullus* de Montpellier.

(1) Lisez ma *Réponse au Rapport de M. Boucly*, § 27.

(2) Voyez : Pellisson et D'Olivet, *Histoire de l'Académie Françoise*, troisième édition, Paris 1743, 2 vol. in-12. tom. II. pag. 25.

Ce passage est charmant, et je demande la permission de le reproduire ici :

" L'Académie des Sciences (dit Lalande qui reprit le *De* plus tard), ayant été supprimée par un décret du 8 août 1793, les mémoires lus jusqu'à cette époque auroient pu former plusieurs volumes . . . . . on ne trouvera point dans celui-ci la partie historique, les rapports, les programmes de prix et les observations adressées à l'Académie ; les distractions du secrétaire, alors député à la Convention, et sa mort arrivée en 1794, ont rendu difficile le rassemblement de ces différentes pièces(1)."

Les *distractions* que se permettait ce secrétaire perpétuel, Condorcet, les voici plus clairement : il s'empoisonnait pour échapper à la guillotine.

Dacier, qui écrivait douze ans plus tard, et qui avait moins de tendre indulgence pour les excès révolutionnaires, n'attribue plus à aucune distraction le pillage des archives. Il s'exprime ainsi :

" Les volumes que nous publions renferment son histoire (de l'Académie des Inscriptions et Belles-Lettres) et une grande partie de ses travaux pendant les années 1785, 1786 et suivantes jusqu'au 8 août 1793. Nous regrettons de n'avoir pu rassembler tous les mémoires qui méritoient d'y trouver place ; mais plusieurs qui avoient été déposés au secrétariat ont disparu ainsi que quelques autres ouvrages, après l'invasion des barbares dans le sanctuaire des Muses ; et il a été impossible d'en découvrir la moindre trace(2)."

Il est donc bien prouvé, contrairement aux assertions des magistrats, que les collections et les archives des anciennes Académies ont été, en grande partie, dispersées lors de l'*invasion des barbares*(3). Ce qui semblerait indiquer qu'en possédant de tels objets, on ne commettrait pas un crime plus grand que celui que commettent tranquillement dix à douze millions de Français en possédant des propriétés rurales, des maisons, des tableaux, des livres, des meubles, des objets enfin de toute nature, provenant des biens nationaux, tels que, propriétés des corporations religieuses, biens des émigrés, biens des personnes qui se laissaient aller aux distractions de Condorcet, etc. etc. Et notez, s'il vous plaît, Monsieur le Président, qu'il

(1) *Mémoire de l'Académie des Sciences*, année 1790, *Avertissement.*
(2) *Histoire de l'Académie des Inscriptions et Belles Lettres*, tom. XLVII. pag. 2.
(3) Pour de plus amples renseignemens, voyez plus loin, pag. 56—58.

s'en fallait bien que les archives des Académies fussent arrivées intactes jusqu'en 1793. Parmi les faits nombreux qu'on pourrait produire à l'appui de ce que j'avance ici, j'en choisirai un seul qui, étant affirmé par un savant magistrat, devra sembler aux membres du parquet, presqu'aussi certain que s'il se trouvait dans l'ouvrage déjà cité, et à jamais célèbre, de M. Fontaine(1). Dans une intéressante notice sur Conrart, publiée en 1825, M. Monmerqué, Conseiller à la Cour Royale, rappelle que déjà du temps de l'Abbé D'Olivet, l'Académie Française avait perdu tous ses anciens registres(2). Si je ne me trompe, D'Olivet est mort en 1768, et il y aurait quelque injustice, peut-être, à m'accuser d'une soustraction commise long-temps avant ma naissance.

Mais, dira l'Accusation, lors même que tout ce qui a appartenu aux anciennes Académies aurait été mis au pillage, *la preuve de la soustraction,* qui *ne peut être un instant douteuse,* consiste en ceci : M. Libri (j'ajoute le *Monsieur* pour prêter quelque politesse à l'Acte d'Accusation et par respect pour l'Institut), M. Libri a possédé des pièces, des rapports signés par divers académiciens, des lettres adressées à Mairan, à *Bignon, secrétaire de l'Académie des Sciences,*

(1) Voyez ci-dessus, pag. 11.

(2) Voici comment M. Monmerqué, Conseiller à la Cour Royale, s'exprime à ce sujet :

" Pellisson nous apprend que les registres de l'Académie (Françoise), commençoient au 13 Mars 1634."—Le même M. Monmerqué, Conseiller à la Cour Royale, ajoute en note ce qui suit :

" Pellisson, Histoire de l'Académie, tom. I. pag. 16. Ces premiers registres de l'Académie n'existoient déjà plus du temps de l'abbé d'Olivet. (*Voyez* la note du tome II. pag. 10 de l'Histoire de l'Académie).... M. Raynouard, secrétaire perpétuel de l'Académie française, nous a fait voir les registres qui ont été conservés, ils ne remontent qu'à l'année 1672." (Collection des Mémoires relatifs à l'histoire de France, par MM. Petitot et Monmerqué, seconde série, tom. XLVIII. pag. 10).

Dans le même volume (pag. 22) M. Monmerqué, Conseiller à la Cour Royale, nous dit que vingt volumes des manuscrits de Conrart, premier secrétaire perpétuel de l'Académie Française, se trouvent, non pas à l'Institut, comme on devrait le croire d'après les principes avancés dans l'Acte d'Accusation, mais à la Bibliothèque de l'Arsenal. M. Monmerqué, Conseiller à la Cour Royale, assure qu'une partie considérable des manuscrits de Conrart se sont égarés. " Ainsi vingt-deux volumes de ces précieux manuscrits sont-ils dans le commerce, et peut-être sont-ils expatriés," et il ajoute plus loin, pag. 31 qu'il s'est procuré différentes pièces appartenant à Conrart, notamment à l'aide de *recherches faites dans de vieux parchemins, exposés en vente chez des épiciers.*

des notes de De l'Isle(1), ou d'autres personnes, lues aux différentes Académies, des lettres adressées aux présidens ou directeurs des Académies, des quittances, etc. etc. . . .qui n'ont jamais dû sortir des cartons de l'Institut; lui SEUL a possédé de ces documents qu'il a mis en vente, LE PREMIER; *la preuve de la soustraction . . . . la provenance de ces lettres et rapports ne peut être un instant douteuse . . . . alors même qu'il* (M. Libri) *justifierait de l'acquisition légitime d'un certain nombre de ces pièces, il resterait toujours à sa charge le fait de la détention inexplicable de documents nécessairement soustraits à l'Institut.*

Comme on ne saurait admettre que le Code Pénal n'ait été rédigé que pour moi seul, et que les principes posés par les magistrats ne doivent s'appliquer qu'à moi, il résulte de ce qui précède, que toute personne qui a possédé des pièces comprises dans l'énumération faite par l'Acte d'Accusation, et dont je viens de donner l'abrégé, est nécessairement un VOLEUR ou un RECÉLEUR. Je vous ai annoncé plus haut, Monsieur le Président, les conséquences déplorables de ces beaux principes. La matière est très vaste, et je suis nécessairement forcé de me borner(2). Je choisirai les exemples au quels peuvent s'appliquer ces principes uniquement parmi les noms qui ont brillé ou qui brillent encore sur la liste de l'Institut, et je ne ferai aujourd'hui qu'effleurer le sujet.

Je trouve, d'abord, dans le catalogue des lettres auto-

(1) On a déjà vu dans ma *Lettre à M. Barthélemy Saint-Hilaire*, (pag. 23—31) que dès l'année 1826, les papiers de De l'Isle étaient mis en vente par masses énormes, dans le Catalogue de M. Buache, membre de l'Institut, et du Bureau des Longitudes, etc. J'aurai souvent à revenir sur ce sujet; voyez plus loin pag. 39. Quant aux *Notes* ou *Mémoires* lus aux différentes Académies et que certains magistrats supposent n'avoir jamais pu sortir des archives de l'Institut, sans parler des mémoires de Laplace, de Tressan, etc., etc., lus à l'Académie des Sciences et à l'Académie Française, qui ont paru dans les ventes Dolomieu, Klaproth, etc., et dont il sera question plus loin, je crois pouvoir citer ici le *Discours* (autographe) *de d'Alembert à l'académie des sciences, du 3 décembre 1768, en présence du roi de Danemark.* Ce Discours fut vendu en 1834, avec d'autres écrits de D'Alembert indiqués sous le No. 1807 du catalogue de M. Lajarette.—C'est M. Fontaine qui le dit (*Manuel*, pag. 157—158), lui qui fait autorité dans l'Acte d'Accusation.

(2) D'ailleurs je n'ai pu me procurer à Londres, que quelques-uns des catalogues dont j'avais besoin. Plus tard, je pourrai peut-être compléter ce travail.

graphes, mises en vente le 2 Mai 1837, par M. Monmerqué, Conseiller à la Cour Royale et membre de l'Institut, les pièces suivantes :

"No. 115. BERTHOLLET, savant chimiste(1).
Rapport entièrement écrit de sa main et signé, du 12 mars 1785, sur l'aéromètre.
220. CANOVA (Antonio), sculpteur.
L. A. S.(2) du 2 octobre 1802, adressée au président de l'Institut de France, pour le remercier de ce qu'il avait été nommé correspondant.
543. GÉRARD (Louis), botaniste, membre de l'Institut.
Mémoire A. sur la nature des feuilles séminales.
614. HEYNE (Chrétien-Gottlieb), commentateur de Virgile.
A. S., du 27 mars 1812, à l'Institut de France.
643. JENNER (Edouard), inventeur de la vaccine.
L. A. S., adressée à l'Institut."

Cette vente, dans laquelle se trouvait le rapport de Berthollet, a précédé de deux ans(3) celle du 27 Février 1839, où l'on a vu cette *nouveauté, nouveauté due à Libri,* de la mise en vente de rapports présentés à l'Académie. Les lettres d'Heyne et de Jenner, vendues en 1837 par M. Monmerqué, Conseiller à la Cour Royale, se trouvent en entier dans *l'Isographie des Hommes Célèbres,* qui a paru(4) de 1828 à 1830. La première était alors entre les mains de M. Duchesne. La lettre de

(1) J'ai déjà fait mention de ce rapport; si je le cite encore, avec deux ou trois autres documents du même genre, c'est pour grouper tout ce qui, dans certains catalogues, a une *provenance* qui *ne saurait être un instant douteuse;* l'Acte d'Accusation a prononcé.

(2) On sait que ces initiales L. A. S. signifient: *Lettre autographe signée.* Dans quelques catalogues que j'aurai à citer dans la suite, au lieu de ces trois lettres, on a mis L. aut. sig.

(3) "De tels documents (dit l'acte d'accusation) ne peuvent entrer dans le commerce. Aussi, jusqu'en 1839, les ventes publiques n'en offrirent *pas un seul.*"

(4) J'ai à combattre avec des gens si peu instruits, que je suis obligé de prendre toutes sortes de précautions. L'*Isographie* a paru d'abord chez Didot, à Paris, en trois volumes in-4to. chacun desquels porte un titre avec cette date, 1828—1830 (M. Brunet dit même dans le *Manuel,* que ces trois volumes ont paru de 1827 à 1830). Plus tard on a distribué en quatre volumes, les *fac-simile* qui composent cet ouvrage, et réimprimé les titres avec la date de 1843; je parle des volumes qui ont la date de 1828—1830.

Jenner appartenait déjà, il y a plus de vingt ans, à M. Monmerqué, Conseiller à la Cour Royale; c'est l'*Isographie* qui le dit. La possession résulte du catalogue; l'origine est manifeste et avouée par le possesseur lui-même. Ces lettres de Canova, d'Heyne, et de Jenner ont été adressées à l'Institut dans des temps assez récens (on a vu que la lettre de Heyne est de 1812) et après l'*invasion des barbares*, dont parle Dacier. C'est à M. Monmerqué, Conseiller à la Cour Royale (je crois qu'on dit aujourd'hui Cour d'Appel mais peu importe); c'est à M. Monmerqué, qui a fait saisir mes livres(1), à prouver à ses collègues du Palais qu'il n'est pas un *voleur*; car, quant à la tache de *recéleur*, d'après les principes posés dans l'Acte d'Accusation, il ne saurait s'en laver. Il est à désirer que devant le terrible parquet, il puisse expliquer l'origine de ces pièces autrement qu'il ne l'a fait pour les deux pièces de Valentin Conrart, premier secrétaire perpétuel de l'Académie Française, qui étaient annoncées au No. 331 de son catalogue de vente, et que, dans une notice sur Conrart, il nous dit lui-même, avoir trouvées *dans de vieux parchemins exposés en vente chez des épiciers*(2). Si M. le Juge d'Instruction Hatton avait entre les mains mon exemplaire du catalogue de M. Monmerqué, Conseiller à la Cour Royale, et s'il y voyait la note manuscrite qui se trouve à la page 99 à propos de la lettre du Tasse, annoncée sous le No. 1231 bis, et vendue 460 francs, note qui porte:

"1231 bis, on a reconnu que cette lettre était fausse;"

cet équitable magistrat serait capable de commencer un nouveau procès, qui durerait encore trente mois, et de faire opérer cinquante saisies au détriment de M. Monmerqué,

(1) Cela est notoire à Paris, et si je suis bien informé, mon savant confrère s'en est vanté lui-même. Voici du reste ce qu'on lit dans une lettre adressée par M. Paul Lacroix *à M. Monmerqué, Conseiller à la Cour d'Appel de Paris*, sous la date du 27 Novembre 1848, et imprimée à la suite de ma *Lettre à M. de Falloux*, (pag. 98). "Vous-même vous aviez cru agir dans l'intérêt des Bibliothèques de la France, en provoquant la saisie des collections de livres que possédait M. Libri." Ce n'est pas la dernière fois, peut-être, que j'aurai à parler de ce magistrat distingué qui, en 1837, n'a mis en vente qu'une partie de son cabinet.

(2) Voyez plus haut, pag. 25.

Conseiller à la Cour Royale. C'est a celui-ci à montrer à ses collègues quelles sont les conséquences nécessaires des principes qu'ils ont posés. Si, sur une expertise confiée à MM. Lalanne, Bordier et Bourquelot, M. Monmerqué, Conseiller à la Cour Royale, est condamné à dix années de réclusion, je demanderai à être son compagnon de captivité; nous pourrons causer bibliographie ensemble.

Vous connaissez, Monsieur le Président, toute l'illustration et tout le respect qui s'attachent au nom de Dolomieu. Ce savant géologue, que l'Institut, l'Ecole des Mines et le Muséum d'Histoire Naturelle s'honorent d'avoir accueilli dans leur sein, n'est pas moins célèbre par ses travaux que par les souffrances endurées dans une longue et cruelle captivité. Son nom n'a pas déchu pour avoir été porté par une persone qui est morte dans l'exil, donnant des marques touchantes de dévouement à une illustre infortune. Voyons comment les magistrats vont traiter ce nom vénérable.

La collection d'autographes de la Marquise de Dolomieu, qui était célèbre dans toute l'Europe, fut mise en vente à Paris le 15 Mai 1843. Voici ce que le catalogue de cette vente offre relativement à l'Institut, dont les archives, bien entendu, n'avaient jamais rien perdu jusqu'au moment où, suivant l'Acte d'Accusation, je les ai mises au pillage :

"No. 66. CABANIS (Jean-Pierre-George), médecin, philosophe, et littérateur.

L. aut. sig., au président de l'Institut. D'Auteuil, ce 19 floréal an IX. 1 page in-4. Cachet.

69. CAMBACÉRÈS (J.-Jacq.-Régis), archichancelier de l'Empire.

Aux membres de l'Institut national. Paris, 7 vendémiaire an IX. L. S. 2 pages in-4.

125. CONDORCET (le Marquis de), philosophe et littérateur.

. . . . . Délibération des commissaires de l'Académie des Sciences, du 24 mars 1790, relativement à des prix décernés et à décerner pour des dissertations sur les planètes, et signée DE CONDORCET, PINGRÉ, BOSSUT, CASSINI, et BAILLY. 1 page et demie in-8.

130. CUVIER (Georges), célèbre naturaliste.

. . . . . Plus une proclamation aut. des prix remportés et des sujets de prix proposés (16 juin 1828). 3 grandes pages in-fol.

133. De Candolle (Auguste-Pyrame), célèbre botaniste.

L. aut. sig., au président de l'Institut. De Turin, 28 septembre 1808. 2 pages in-4.

Relative à la botanique.

148. Dupuis (Charles-François), auteur de *l'Origine des Cultes*.

L. aut. sig., au président de l'Institut. Paris, 23 messidor an XIII. 1 page in-4.

Il offre son ouvrage qui lui avait été demandé pour la bibliothèque de l'Institut.

175. Fox (Charles-James), ministre et célèbre orateur anglais.

L. aut. sig., aux citoyens Levesque, Daunou, etc., membres de l'Institut. Londres, ce 8 décembre 1802. 2 pages in-fol.

Il remercie l'Institut de sa nomination de membre associé.

195. Girodet Trioson, peintre.

L. aut. sig., à M. le secrétaire perpétuel de l'Institut. Paris, 9 juin 1815. 1 page in-4.

221. Haydn (François-Joseph), célèbre compositeur.

L. sig., au président de l'Institut national, à Paris. De Vienne, le 14 avril 1802 . . . . . 1 page in-fol.

249. Jussieu (Antoine-Laurent de), célèbre botaniste.

Rapport aut. sig., fait à l'Académie des Sciences, sur l'ouvrage imprimé de M. Achille Richard, intitulé : *Nouveaux Eléments de botanique appliqués à la médecine* (sans date). 2 pages in-4.

253. Klopstock (Frédéric-Gottlieb), poète allemand, auteur de *La Messiade*.

L. aut. sig. (en allemand), au président de l'Institut. De Hambourg, le 27 juillet 1802. 4 pages in-4.

262. Lagrange (Joseph-Louis), géomètre et mathématicien.

Billet aut. sig., à MM. de la commission des fonds de l'Institut. 1 page in-4.

270. Laplace (Pierre-Simon), célèbre géomètre.

. . . . . Mémoire aut. lu à l'Académie des Sciences, le 25 novembre 1816, sur l'action réciproque des pendules, et sur la vitesse du son dans les diverses substances . . . . . 4 pages in-4.

365. Moreau (le Jeune), dessinateur et graveur.

L. aut. sig. au président de l'Institut. Du 23 brumaire an V de la République. 1 page $\frac{1}{2}$ in-4.

Relative à un tableau de Jules Romain.

371. Napoléon Bonaparte, Empereur.

. . . . . Lettre sig. Bonaparte, du 6 nivôse an VI, adressée au président de l'Institut national.

402. Palissot De Montenoy (Charles), littérateur.

L. aut. sig., aux membres de l'Institut. Paris, 18 brumaire an VI. 3 grandes pages in-4, d'une écriture très fine, et très correcte, etc.

453. Rossini (Joachimo), célèbre compositeur.

L. aut. sig., à M. le secrétaire de l'Académie des Beaux-Arts. Londres, le 19 mars 1824. 1 page in-4.

Relative à sa nomination de Membre de l'Institut.

459. Rumfort (Benjamin-Thompson, comte de) philosophe et économiste.

L. aut. sig., au président de l'Institut national de France. De Munich. 3 septembre 1802. . . . . 3 pages in-4.

460. Saint-Ange, poète, Membre de l'Académie Française.

L. aut. sig., aux membres de l'Institut national. Paris, ce 23 frimaire an V. . . . . 3 pages petit in fol.

Belle-lettre en prose et en vers.

476. Sieyès (l'Abbé), membre du Directoire.

L. aut. sig. au président de la 3e classe de l'Institut, au Louvre. Paris, 29 floréal an V. 1 page in-4.

507. Tressan (Louis-Elisabeth, comte de), membre de l'Académie Française.

1. Discours aut. prononcé dans une séance du mois de juin, 1776. 4 pages in-fol."

*La provenance de ces lettres et rapports ne peut être un instant douteuse;* c'est l'Acte d'Accusation qui le dit. Ces documents proviennent tous des archives des Académies qu'ils ont dû quitter, non pas du temps de Louis XIV, où l'Académie des Sciences avait pour estampille un soleil au milieu de trois fleurs-de-lis, mais dans des temps très rapprochés de nous, puisque la lettre de Rossini (N°. 453) est de 1824, et que la pièce écrite par M. Cuvier (N°. 130) est de 1828. Pourtant, ce n'est pas certes la Marquise de Dolomieu qui est allée fouiller dans les cartons de l'Institut; ce n'est pas elle, je pense, qui a été prendre cette collection de lettres adressées *au Président de l'Institut,* de rapports ou de mémoires lus aux différentes Académies, de pièces importantes parmi lesquelles on remarque (N°. 371) la *lettre adressée par Napoléon au Président de l'Institut National*(1), à la suite de sa nomination. C'est bien à

(1) Napoléon fut nommé membre de l'Institut dans la section de Mécanique, le 25 Décembre 1797, jour qui, dans le calendrier

propos de cette lettre qu'on pourrait s'écrier avec l'Acte d'Accusation : *de tels documents ne peuvent entrer dans le commerce !* pourtant elle a été mise en vente publique il y a sept ans, avec beaucoup d'autres pièces de la même nature, sans que les magistrats y fissent la moindre attention. Le catalogue de la collection appartenant à Mme. de Dolomieu a été rédigé d'abord avant 1836, et il contenait dès lors les pièces que je viens de mentionner, comme tous les collecteurs peuvent le certifier. Quelques-unes de ces pièces ont été citées dans des ouvrages qui datent de plusieurs années, et l'on voit dans *l'Isographie,* publiée de 1828 à 1830, une lettre touchante de Dolomieu adressée au Président de l'Institut ; lettre qui appartenait alors à Madame de Dolomieu, et qui n'a pas figuré dans la vente dont il vient d'être question. On s'efforcerait vainement d'expliquer par des calomnies semblables à celles dont j'ai été l'objet, la présence dans la collection de Madame de Dolomieu de ces pièces provenant de l'Institut, ainsi que d'autres pièces non moins intéressantes qui s'y trouvaient depuis longtemps et qui, comme les lettres de Gassendi(1) et

républicain, répond au 5 Nivôse, An VI. La lettre qui a figuré à la vente de Mme. de Dolomieu, avait été adressée par Napoléon au Président de l'Institut, le 6 Nivôse, An VI ; elle avait évidemment pour objet de remercier l'Institut de cette nomination. C'était la pièce la plus précieuse qui fût conservée dans les archives de l'Institut. Comment en est-elle sortie ? A quoi pensaient alors les magistrats ?

(1) " La correspondance de *Cassini* (conservée à la bibliothèque de l'Observatoire, dit *l'Acte d'Accusation*) a perdu des lettres autographes de *Gassendi*, etc." (Le *Moniteur* du Samedi, 3 Août 1850, pag. 2694). Notons que cette correspondance de Cassini dans laquelle j'aurais commis tant de *détournements* qui *se reportent....* à 1835, 1837, et qui *échappent dès lors à la loi pénale, mais qu'on devait rappeler pour donner une juste idée de la moralité de Libri,* (c'est toujours l'Acte d'Accusation qui parle), que cette correspondance, dis-je, conservée si fidèlement à l'Observatoire jusqu'en 1835 ou en 1837, avait été jetée par paquets sur le marché dix années auparavant, et qu'elle avait figuré dans vingt catalogues de vente, indépendamment du catalogue de la Marquise de Dolomieu. Aussi l'on voit aux Nos. 230, 492, 825, 1023, du catalogue de vente de M. Monmerqué, Conseiller à la Cour Royale, différentes lettres adressées à Cassini par Feuillée, par Bonnet, par Picard, etc., et l'on trouve dans le catalogue des manuscrits de M. Th. Thorpe, pour l'année 1833, un volume de la correspondance de Cassini, de Leibnitz, etc. de 1699—1700. Ces exemples suffisent pour le moment.

d'Halley, adressées à Cassini (Nos. 187 et 216 de ce catalogue), proviendraient, d'après les assertions de l'Acte d'Accusation, de la bibliothèque de l'Observatoire. N'ayant jamais eu l'honneur d'approcher Madame la Marquise de Dolomieu, je n'ai jamais pu lui offrir aucun de mes autographes. D'autres personnes ont été plus heureuses que moi, comme on le voit par la lettre suivante, qui a figuré à la vente de Madame de Dolomieu, et qui jetera quelque clarté sur la manière dont cette dame a pu se procurer certains documens. J'en reproduis fidèlement la description d'après le catalogue :

"No. 14. ARAGO, astronome célèbre.
L. aut. sig. du 25 novembre 1825. Envoi d'un fragment autographe de Galilée.
". . . . . Je prends la liberté(1) de vous adresser ces vénérables caractères qu'a tracés le savant le plus illustre dont l'Italie puisse se glorifier, etc."
Le fragment est joint à la lettre."

A la suite de ce fragment, publié il y a sept ans, d'une lettre de M. Arago, permettez-moi, Monsieur le Président, de vous donner connaissance d'une lettre qui m'a été adressée, il y a vingt-cinq ans, par une femme célèbre, Mademoiselle Sophie Germain, qui avait remporté le grand prix de mathématiques à l'Académie des Sciences. Non seulement cette lettre sert utilement de commentaire à la lettre de M. Arago qui a figuré dans la vente des autographes de Mme. de Dolomieu, et que je viens de citer, mais elle montre, encore mieux que ce que j'ai pu dire jusqu'ici, toutes les pertes souffertes depuis longtemps par les archives de l'Institut. Je regrette beaucoup de gaspiller, pour ainsi dire, ma défense en produisant aujourd'hui des documents qui figureraient mieux peut-être là où je devrai parler de l'Observatoire ; mais j'ai tant de pièces à publier que je ne m'appauvrirai pas en faisant connaître celle-ci, que j'ai communiquée à différentes personnes :

"Je me suis empressée, Monsieur, de demander à M. Fourier

(1) Dans le catalogue de la Marquise de Dolomieu, on donne des extraits de certaines pièces. Tout ce passage, depuis *je prends*, jusqu'à *se glorifier*, est tiré de la lettre du 25 Novembre 1825, par laquelle M. Arago annonçait l'envoi du fragment autographe de Galilée.

les renseignemens que vous désirez; malheureusement il paraît que les papiers de Fermat, de Descartes et des autres anciens géomètres, qui d'après ce qu'on vous a dit devoient exister à l'ancienne Académie des sciences, ont été égarés ou enlevés; on s'en est assuré, m'a-t-il dit, lorsque l'Académie a proposé un prix pour la démonstration du dernier théorême de Fermat. Déjà à la révolution les archives des Académies avoient été mises au pillage, et, par suite du goût des autographes qui s'est tant répandu, les pièces les plus remarquables qui existoient à l'Institut ont disparu. M. Fourier m'a raconté à ce sujet des choses fort curieuses qui prouvent qu'on ne se fait aucun scrupule de puiser dans les cartons de l'Institut; du reste, il en est à peu près de même partout. On m'a assurée que les lettres des plus anciens astronomes de l'Observatoire sont mises très galamment à la disposition des femmes du monde; c'est donc plutôt dans les albums des dames que dans les archives de l'Institut que vous avez la chance de trouver ce que vous cherchez.

"Je compte toujours sur l'honneur de vous voir Mercredi. Agréez l'assurance de la considération la plus distinguée.

"S. Germain."(1)

Après cette digression reprenons :

En prononçant le nom d'un secrétaire perpétuel, je suis tout naturellement amené à citer, en passant, une des lettres sorties des archives des Académies, et qui se trouvent en grand nombre à Londres, dans la collection Egerton, au British Museum. Cette collection, les magistrats ne m'accuseront pas de l'avoir grossie du produit de mes vols. Elle est entrée en 1828 au British Museum, après la mort de Lord Egerton qui l'avait formée à Paris.

Dans cette lettre autographe, du 12 Septembre 1813, Grétry, qui se sent mourir, prend congé de la manière la plus touchante de ses confrères de la *Classe* (Académie) des Beaux-Arts. Elle porte en haut cette note remarquable de la main de M. Le Breton, ancien secrétaire perpétuel de cette Académie :

(1) Cette lettre est sans date comme la plupart des lettres que m'a fait l'honneur de m'adresser Mlle. Germain; mais elle a dû être écrite au mois de Juin 1825, ainsi qu'on le verra plus loin, (pag. 58). Du reste M. Fourier est mort en 1830, avant la révolution de Juillet, et Mlle. Germain a succombé en 1831 à une longue maladie.

"Lettre que Grétry écrivit au Secrétaire Perpétuel(1) de la Classe des Beaux-Arts de l'Institut de France. Elle est de sa main. Certifié véritable.

"Le Secrétaire Perpétuel,

"JOACHIM LE BRETON."

Veuillez vous arrêter un instant ici, Monsieur le Président, et remarquer que d'après les doctrines du parquet, dans l'espèce, la preuve de la soustraction manque; car, bien que l'origine de cette lettre, adressée au secrétaire perpétuel de la *Classe,* ou de l'Académie des Beaux-Arts, soit encore moins *douteuse* que l'origine des lettres adressées à Bignon, lequel n'a jamais été secrétaire d'aucune des Académies qui forment aujourd'hui l'Institut, la possession, qu'on suppose être la preuve de la soustraction, n'est pas démontrée. En effet, un individu qui prendrait une pièce dans un carton de l'Institut pour la remettre à une autre personne, après y avoir inscrit une note destinée à en constater l'origine, ne pourrait pas (je parle toujours comme l'Acte d'Accusation) être accusé d'avoir gardé la pièce en sa possession. Quant au recel, si recel il y a, on ne saurait raisonnablement l'imputer qu'à Lord Egerton et à son légataire le British Museum. Je montrerai, dans une autre occasion, quelle est la masse énorme d'autographes sortis des établissements publics de la France, que Lord Egerton a *recélés* dans sa collection. Mais il est mort avant 1830, et je crois que la prescription est acquise. Quant à l'autre recéleur, le British Museum, on pourrait essayer de lui intenter un procès. Quoiqu'il en soit, la déclaration *certifié véritable,* qui se lit en tête de la lettre de Grétry, semble devoir jeter quelque doute sur les doctrines des magistrats au sujet des lettres adressées à des secrétaires perpétuels, et qui (d'après l'Acte d'Accusation) n'ont dû quitter les archives de l'Institut que le jour où j'aurais mis ces archives au pillage.

En poursuivant cette énumération des outrages que les magistrats, guidés par des experts ignorants et haineux, ont

(1) Comme on le voit par ce singulier certificat, il ne s'agit pas ici d'une lettre adressée à M. Le Breton personnellement. C'est une lettre adressée au *secrétaire perpétuel,* un de ces *documents qui* (les magistrats ont prononcé) *appartiennent nécessairement aux archives.*

faits à divers membres de l'Institut, notons, pour mémoire seulement, les *rapports autographes*, dont j'ai déjà parlé(1), et qu'on a vu paraître à la vente de M. Huzard, membre de l'Académie des Sciences, comme un démenti de plus donné à l'Acte d'Accusation qui se plaît à répéter avec son outrecuidance ordinaire, que j'ai été le SEUL à posséder, ou à mettre en vente, de tels rapports.

A la suite de ces faits isolés, j'en citerai un autre qui se trouve mentionné dans un écrit intéressant que M. Jubinal a récemment publié sous ce titre: *Une Lettre inédite de Montaigne :*

" Si je devais consigner ici (dit M. Jubinal à la page 105 de cet écrit) tout ce que j'ai appris à l'aide de *l'Isographie*, je parlerais d'une lettre de Descartes que M. Duchesne a vue et palpée au Secrétariat de l'Institut il y a une vingtaine d'années; qu'il a fait lithographier pour l'Isographie, et qui, quelques mois plus tard, avait été prise sans façon par un des membres les plus illustres de l'Académie des Sciences ; mais je garde les détails de ce fait pour une meilleure occasion, ainsi que les renseignements que j'ai recueillis sur un autographe de Pascal, qui existait à la Bibliothèque de l'Arsenal, et dont M. Monmerqué a donné le *fac-simile* il y a plusieurs années dans ses *carrosses à cinq sous.* J'ajouterai seulement, qu'à l'occasion de ses travaux récents sur Pascal, M. Feugère a annoncé la disparition de ce précieux autographe sans que personne, administrativement parlant, car les amateurs en ont été frappés, s'en soit ému."

C'est là une assertion grave, Monsieur le Président, au sujet de laquelle il serait bon, peut-être, de demander quelques explications à M. Jubinal et à M. Duchesne, qui demeurent à Paris et que tout le monde y connaît. M. Duchesne, vous ne sauriez l'ignorer, est un des conservateurs de la Bibliothèque Nationale. Ce sont deux hommes d'honneur, qui n'hésiteront pas à dire la vérité.

L'Institut, depuis sa création, n'a pas offert au monde savant un nom plus illustre que celui de Cuvier, qui fut longtemps l'un des secrétaires perpétuels de l'Académie des Sciences. Ce nom semblait devoir échapper aux atteintes de ces nouvelles harpies qui souillent tout ce qu'elles ne peuvent pas dévorer ; malheureusement il n'a pas été épargné. Voici quatre lettres évidemment sorties des archives

(1) Voyez ci-dessus, pag. 14.

de l'ancienne Académie des Sciences, et dont le *fac-simile* se voit dans *l'Isographie*(1), avec cette indication que la pièce originale se trouve dans la collection de Mademoiselle Clémentine Cuvier :

Lettre de Bergman à Mairan(2), pour le charger d'annoncer à l'Académie des Sciences qu'il consent à la publication d'un *Mémoire sur l'Indigo* dont il est l'auteur, et à l'ouverture du billet cacheté qui accompagne ce Mémoire.

Lettre de Lagrange (datée de Berlin du 29 Juin 1772) au secrétaire perpétuel de l'Académie des Sciences pour le prier d'être *l'interprète* (auprès de l'Académie) *des profonds sentiments dont il est pénétré* par suite de sa nomination à une des places d'associé étranger(3).

Lettre de Lavoisier à M. de Fouchy(4), secrétaire perpétuel de l'Académie des Sciences, en lui envoyant quelques indications sur une comète qu'il croyait avoir découverte.

Lettre de Tressan à Mairan relative à une machine que le

(1) Je reproduis les indications données par l'*Isographie*, sans répondre des dates, ou de l'orthographe des noms qui, parfois, présentent quelques incorrections.

(2) Mairan a été secrétaire de l'Académie des Sciences, et l'Acte d'Accusation dit que les lettres qu'on a pu trouver chez moi, et qui étaient adressées à ce savant académicien, sont une preuve de la soustraction. Si certains magistrats avaient la moindre teinture des choses dont ils parlent avec tant d'assurance, ils sauraient qu'il existe dans toutes les collections, des lettres adressées à Mairan. Par exemple, dans l'*Isographie*, publiée de 1828 à 1830, je vois non seulement les lettres de Bergman et de Tressan citées dans le texte, et appartenant à Mlle. Clémentine Cuvier, mais j'y trouve le fac-simile de trois lettres adressées à Mairan, par Jean Bernoulli, par Daniel Bernoulli, et par La Condamine, et appartenant (avant 1830) à M. Berthevin, qui possédait aussi (c'est encore l'*Isographie* qui nous l'apprend) une lettre adressée en 1808 par West (nommé associé étranger) *au Président et aux Membres de l'Institut.*

(3) Cette lettre a dû accompagner celle par laquelle Lagrange s'adressant ce même jour à l'Académie des Sciences en corps, la remerciait de l'honneur qu'il *venait de recevoir*. C'est cette dernière lettre *adressée à l'Académie en corps*, que j'ai rachetée à la vente Hodges, et que j'ai soumise l'année dernière à l'examen de la commission administrative de l'Institut (Voyez ma *Lettre à M. de Falloux*, pag. 38 et 238). Je reviendrai plus tard sur ce point.

(4) Les lettres adressées à M. de Fouchy, secrétaire perpétuel de l'Académie des Sciences, sont depuis long-temps dans le commerce. J'en ai compté trois (de Bossut, de D'Alembert, et de Berthoud) à la page 31 du catalogue des autographes de M. de Bruyères-Chalabre, dont la vente a eu lieu au mois de Mai 1833.

roi se propose de faire exécuter en grand, si le modèle est approuvé par l'Académie.

Comme je viens de le dire, les *fac-simile* de ces quatre pièces se voient dans les volumes de *l'Isographie* qui ont paru de 1828 à 1830; et ces *fac-simile* étaient préparés depuis quelques années. En effet, Mademoiselle Cuvier, qui relevait par un charme si exquis l'éclat de son nom, a été enlevée par une mort prématurée à ses admirateurs, à ses amis et à son illustre père, avant la publication du premier volume de *l'Isographie*. Aussi dans la préface de ce volume, publié en 1828, les éditeurs, en citant les amateurs qui leur ont ouvert avec complaisance leurs collections, nomment avec une *reconnaissance particulière* Mademoiselle Clémentine Cuvier *qui malheureusement* (ajoutent-ils) *ne peut plus nous entendre*(1). Je n'ai pas besoin de vous apprendre, Monsieur le Président, que Fouchy, auquel est adressée la lettre de Lavoisier, ainsi que beaucoup d'autres lettres qui ont passé dans des ventes sans m'avoir jamais appartenu, était secrétaire perpétuel de l'Académie des Sciences. En y songeant, je trouve possible que les experts qui m'ont accusé d'avoir dérobé un *Catullus* à la bibliothèque de Montpellier parcequ'ils avaient lu Dix à la place de Jean, aient lu Bignon à la place de Fouchy lors-

(1) Malgré mon désir de me borner, il m'est impossible de ne pas signaler une pièce, autographe et signée de Needham, dont je trouve le *fac-simile* dans l'*Isographie*, (édition portant la date de 1843) avec l'indication que cette pièce, intitulée *Mémoire sur la Génération*, appartenait à M. Jules Poilly. Elle est adressée *à M. Grandjean de Fouchy, secrétaire perpétuel de* l'*Académie des Sciences*, et se termine ainsi (j'en reproduis exactement l'orthographe) :

" Pour m'assurer mes propres découvertes, j'ai pris la précaution de sceller, et signer cette petite mémoire, que j'ai mis entre les mains de M. de Fouchy, secrétaire perpétuel de l'Académie Royalle de Sciences.

" Tubervill Needham,
" De la Société Royalle de Londres."

On conviendra que la précaution prise par Needham a été très utile, et que, rien n'étant jamais sorti des archives des Académies (c'est M. le Procureur Géneral de Royer qui l'affirme), on est bien certain de s'assurer la propriété d'une découverte en remettant un mémoire signé et cacheté entre les mains d'un secrétaire perpétuel.—Ah! le bon billet qu'a La Châtre !

qu'ils m'ont accusé d'avoir dérobé des lettres adressées à *Bignon, secrétaire de l'Académie des Sciences.*

Dans une lettre écrite à M. Barthélemy Saint-Hilaire, Administrateur du Collège de France, sous la date du 25 Juillet dernier, j'ai parlé d'une immense collection de lettres et de papiers autographes appartenant à M. Buache, membre de l'Institut, et du Bureau des Longitudes, Hydrographe en Chef du Dépôt des Cartes et Plans de la Marine; collection composée de quatre-vingt-neuf cartons ou portefeuilles, qui furent vendus en deux lots en 1826, et qui sont indiqués très sommairement aux pages 57 et 58 du catalogue de vente des livres de M. Buache. J'ai déja dit que j'aurai à examiner plus tard la composition de cette collection, formée en partie de papiers autographes provenant des collections de De l'Isle, d'Hévélius, de Cassini, des Missionnaires, etc., etc., conservées (c'est l'Acte d'Accusation surtout qui nous l'apprend) soit à l'Observatoire, soit au Dépôt de la Marine; et en partie de papiers provenant des anciennes Académies ou de l'Institut. Cet amas de documents précieux fut vendu sans qu'on y fît attention, et Monteil nous apprend dans son *Traité de matériaux manuscrits* que cette collection, grossie successivement par MM. Buache, père et fils, alla se disséminer à la mort de ce dernier *dans les magasins des papetiers*(1). C'est chez les épiciers, c'est sur le quai, c'est chez des bouquetières même(2) que Monteil nous dit avoir trouvé par paquets les

(1) *Monteil, traité de matériaux manuscrits*, Paris, 1835, 2 vols. in-8vo. tom. I. pag. 349.

(2) Pour l'édification de ces magistrats qui s'imaginent que rien n'a été distrait de ce qui existait dans les archives de certains établissements, il est bon de rappeler que le *registre original d'enquêtes faites par les commissaires du Parlement, sur la religion, la vie, les mœurs des Ducs et Pairs de France, depuis l'année* 1721, *jusqu'à l'année* 1765, (un volume in-folio, maroquin rouge dentelle) qui est décrit dans l'ouvrage cité de Monteil, (tom. II. pag. 75) a été trouvé chez une bouquetière.

" Ce recueil (dit Monteil) manque à l'immense collection des registres du Parlement. Je l'ai acheté en feuilles de quelqu'un qui venait de l'acheter chez une bouquetière du Quai aux Fleurs."

Ce n'est pas d'aujourd'hui au reste que datent ces trouvailles faites dans d'obscures boutiques. On lit dans les Mémoires du Maréchal de Villars (tom. III. pag. 119, édition de la Collection *Petitot*, tom. LXX), que dans une affaire portée en 1722, devant le Régent, celui-ci,

manuscrits autographes de De l'Isle, de Cassini, d'Halley, etc., etc., ainsi que d'autres manuscrits non moins importans qu'il a décrits dans son *Traité de matériaux manuscrits* et qui ont figuré à la vente qu'il fît du 26 au 29 Novembre de l'année 1835. Monteil n'a eu qu'une petite partie de la collection de Buache. Cette masse de papiers s'est répandue entre mille mains. Il en a paru, en 1833, dans le catalogue d'Abel Remusat(1). C'est dans ce fonds que Klaproth avait puisé plusieurs des manuscrits les plus intéressans qui ont figuré à sa vente(2) effectuée après sa mort en 1839. C'est de là, par exemple, que sont sortis les manuscrits si nombreux de De l'Isle, de Cassini, de Buache, des Missionnaires, etc., etc., qui, sans donner lieu à aucune réclamation, ont figuré, en 1830, en 1831 et en 1833, dans les catalogues des manuscrits et des autographes de M. Thomas Thorpe, libraire anglais très connu.

J'ai acheté à différentes reprises un grand nombre de ces paquets de papiers précieux qui ont contribué considérablement à enrichir ma collection, et, depuis que je suis l'objet d'une si odieuse persécution, je m'en suis procuré d'autres dans l'intérêt de ma défense. On conçoit qu'il n'est pas facile de constater régulièrement l'origine d'autographes, qu'à l'exemple de Monteil et de M. Monmerqué, Conseiller à la Cour Royale, on a trouvés sur le quai ou chez des épiciers. Les magistrats qui ont laissé pendant plus de vingt ans traîner dans la rue, sans jamais y faire attention,

ayant dit : *Apportez le brevet en original,* s'attira cette réponse du Maréchal de Villars :

" Je répondis que Son Altesse Royale pouvait savoir que le testament de Louis XIII en original, avait été trouvé chez les épiciers, et le traité d'Osnabruk chez les beurriers, et que par conséquent un brevet moins important se trouveroit difficilement."

Voici comment se passent les choses : Certains conservateurs laissent souvent tomber chez des épiciers, ou chez des beurriers les documents les plus importants confiés à leur garde ; des gens instruits, des collecteurs, découvrent ces documents, et les arrachent, à prix d'argent, à la destruction. Puis viennent des experts qui calomnient ces collecteurs, et des juges qui les condamnent. Chacun fait son métier.

(1) Voyez les Nos. 895, 1284, 1552, etc. de ce catalogue.

(2) Voyez, par exemple, les Nos. 254, 942, 1913, 1914, 1918, 1923, 1924, 1930, 1937, etc., de la première partie du catalogue Klaproth.

ces documens dont l'origine *ne peut être un instant douteuse*, croient pouvoir chanter victoire lorsqu'il leur plaît d'incriminer quelques minces débris, trouvés chez moi, de cette immense collection. Heureusement, les papiers sortis de la collection de Buache se reconnaissent, en général, à un certain air de famille et à différentes circonstances, propres à éclairer les personnes qui veulent les examiner avec soin. Les annotations écrites à l'encre ou au crayon par MM. Buache, père ou fils, sur un nombre considérable de ces papiers; des notes attachées avec des épingles sur plusieurs de ces documens, ou ajoutées à la plupart de ces pièces(1); des indications se rapportant aux collections d'où elles sont sorties; d'autres indications plus singulières encore qu'on peut voir sur les chemises de certains paquets ou sur les portefeuilles qui renfermaient ces pièces, tout cela, sans parler de la nature même des pièces, forme un ensemble de preuves qui ne peuvent laisser aucun doute à l'œil exercé d'un bibliographe.

Le désir d'abréger ne me permet de donner ici, Monsieur le Président, qu'un petit nombre de faits à propos de cette collection de Buache, qui me fournira, plus tard, matière à de plus amples développemens. Aujourd'hui je passerai rapidement sur ce sujet.

A ceux qui m'accusent de vol parcequ'ils auraient trouvé chez moi une note scientifique de De l'Isle, je répondrai en indiquant les manuscrits autographes, les notes, les mémoires, la correspondance de ce même De l'Isle qui se trouvent, avec d'autres manuscrits provenant du cabinet de Buache, dans les catalogues de M. Thorpe(2) pour les années 1830, 1831

(1) Ces particularités avaient été remarquées depuis un assez grand nombre d'années. Voyez: *Monteil, traité de matériaux manuscrits*, tom. I. pag. 99.—*Catalogue des livres d'Abel Rémusat*, Paris, 1833, in-8vo. N°. 895, etc.

(2) Pour ne pas dépasser les limites que je me suis prescrites, je me bornerai à citer ici le N°. 13392 du catalogue des manuscrits de M. Thorpe, pour l'année 1830; voici la description de cet article telle qu'on la lit en anglais dans ce catalogue:

" 13392. Lisle (Joseph Nicholas de) Several unpublished Papers in his hand-writing, among which are Observations on the Spheres, Astronomical Observations made at Luxembourg, the 1st July 1724, (these are continued to the first of November), autograph letters from and to him, &c. &c., 4to.—Also a Memoire in 6 folio pages, on Newton's Philosophy of Light and Colour."

et 1833, et les papiers du même genre qui ont figuré dans les catalogues de M. Abel Rémusat, membre de l'Institut, et de M. Klaproth, ainsi que dans le catalogue des manuscrits de M. Monteil(1). Dans les catalogues que je viens de mentionner, sont indiqués divers mémoires ou rapports de Buache, de De l'Isle, de Cassini, de Fontenelle, etc., ainsi que des lettres adressées aux diverses Académies par Delambre et par d'autres savants(2). J'ai entre les mains un mémoire

" De Lisle was Professor of Astronomy at Petersburgh, and published several esteemed Works."

Le nom de ce géographe célèbre a été écrit tantôt De l'Isle, tantôt De Lisle, tantôt même Delisle, mais c'est toujours le même savant. Dans le livre qui a servi de *Code d'érudition* à certains magistrats (je veux dire le célèbre *Manuel* de M. Fontaine), cet illustre géographe a été confondu probablement avec l'auteur des *Jardins*, et appelé *Delille*, (*Manuel*, pag. 348).

(1) J'ai déjà indiqué plus haut (pag. 40) quelques-uns de ces manuscrits qui ont figuré aux ventes de Klaproth et d'Abel-Rémusat. Dans la vente effectuée par Monteil en 1835, il avait paru des masses de ces mêmes manuscrits, et encore Monteil nous dit qu'il en avait déjà vendu beaucoup auparavant (*Monteil, traité de matériaux manuscrits*, tom. I, pag. 342—351; tom. II. pag. 85, 173—176, 202—204, 374 etc.)

(2) Dans son catalogue de manuscrits pour l'année 1830, M. Thorpe annonce sous le N°. 12519, à propos d'une lettre adressée de la Chine, par le missionaire Hallerstein à De l'Isle, et mise en vente dans ce catalogue, qu'on trouvera dans ce même catalogue *les papiers de De l'Isle*. Ce catalogue, en effet, est rempli de papiers de De l'Isle, de Cassini, etc. etc., ainsi que de pièces provenant des archives des Académies. C'est surtout à partir de cette année que les catalogues de M. Thorpe contiennent de tels documents. Dans le catalogue de 1830, on trouve aussi au N°. 12349, des papiers de Buache. Cela semble indiquer que tous ces papiers sont sortis de la même source; c'est-à-dire de la collection de Buache qui en contenait tant d'autres du même genre. Il ne serait pourtant pas impossible que les papiers provenant des Académies ou de l'Observatoire, qui ont été jetés sur le marché anglais dès l'année 1830, eussent, en partie du moins, une autre provenance; c'est là une conjecture à propos de laquelle je m'expliquerai plus clairement, peut-être, en discutant une autre partie de l'Accusation. Quant aux papiers de l'Institut que contenaient les anciens catalogues de M. Thorpe, je ne citerai aujourd'hui que les lettres adressées par Quatremère de Quincy, par Ruffin, par Senebier, au président de l'Institut, qui se voient avec beaucoup d'autres pièces du même genre dans le recueil annoncé sous le N°. 12905 du catalogue de 1830, et le N°. 229 du catalogue de 1833 (toujours du même M. Thorpe) qui contient une *très intéressante lettre* (dit ce catalogue) adressée par Delambre au secrétaire de l'Académie des Sciences de Paris.

original, lu à la séance publique de l'Académie des Sciences le 1er Avril 1761. Ce mémoire a figuré à la vente Klaproth(1) ainsi qu'un mémoire relatif aux manuscrits de Fréret, et qui porte encore l'adresse : *à M. Bougainville, Secrétaire Perpétuel de l'Académie des Belles Lettres*(2). Il suffit de jeter les yeux sur quelques-uns de ces manuscrits pour se convaincre, qu'ils n'ont pu sortir que des archives des Académies. Aussi Monteil, à propos d'un manuscrit autographe de De l'Isle qu'il avait ramassé, avec beaucoup d'autres, chez les papetiers et qu'il mit en vente en 1835, ne put s'empêcher de s'écrier dans son catalogue :

"Comment ce savant, rare et précieux manuscrit, n'est-il pas dans les rayons de la Bibliothèque de l'Institut ?"(3)

Indépendamment des *neuf cartons* de la correspondance autographe de De l'Isle avec les plus illustres savants de l'Europe, cartons qui furent mis en vente en même temps que les livres de Buache en 1826, les *quatre vingt portefeuilles ou cartons*, qu'on vendit en bloc à la même vente renfermaient une foule de précieux manuscrits relatifs aux sciences, aux lettres et aux arts, qui, après avoir passé par les boutiques des épiciers, se sont répandus partout. Chaque carton, chaque chemise, renfermait des pièces du plus grand prix, et portait le plus souvent, on ne saurait trop appuyer sur

(1) C'est le N°. 1914 de la *première partie*. Il est à remarquer que la seconde partie de ce catalogue a été rédigée par M. Landresse, alors sous-bibliothécaire (aujourd'hui bibliothécaire en chef) de l'Institut, qui ne trouva rien à redire à cette annonce du catalogue Klaproth :

"1914. Observations sur la construction de l'ancienne carte itinéraire, connue sous le nom de Peutinger, mém. lu à l'Acad. des Sc. le 1er avril 1761." J'ai reproduit ici l'abréviation du catalogue ; le mémoire original dit en toutes lettres, *Mémoire lu à l'Académie des Sciences dans son Assemblée publique du 1er Avril* 1761.

Dans la seconde partie de ce même catalogue (rédigée par M. Landresse) on trouve au No. 161, un recueil de pièces manuscrites qui, suivant l'Acte d'Accusation, proviendraient de l'Observatoire. (*Moniteur*, pag. 2694).

(2) Ce mémoire se trouvait dans la *liasse des pièces manuscrites, provenant des papiers de M. Buache, contenant des observations, des mémoires, des lettres autographes, la plupart de ces pièces relatives à la géographie*, mise en vente sous le N°. 1913, du catalogue Klaproth, (première partie).

(3) *Monteil, traité de matériaux manuscrits*, tom. II. p. 173.

ce point, des notes ou des indications propres à faire reconnaître la provenance des papiers qui ont appartenu à Buache. Ces chemises (j'y reviendrai) sont parfois des plus singulières. Quand Buache manquait de papier blanc pour les faire, il prenait une carte de géographie manuscrite, le *fac-simile* d'une ancienne inscription, un *Congé donné aux bâtiments de commerce français par le Conseil exécutif de la République Française,* une gravure quelconque, et même un autographe précieux. Plusieurs de ces chemises, outre les annotations de MM. Buache, père ou fils, portent des notes écrites par divers savans, tels que MM. Abel Rémusat, Klaproth, Eisenmann, Villenave, etc., qui les ont possédées après la vente de Buache. Bien que la chose puisse sembler de mince intérêt, je crois devoir vous signaler d'une manière particulière, Monsieur le Président, un de ces papiers (il en existe d'autres du même genre) employés par Buache à un office si humble. C'est la *Liste* (originale) *de Messieurs de l'Académie Royale des Sciences qui ont receu la connoissance des Temps*(1), pour l'année 1763. Cette liste, qui parmi tant d'autres signatures, porte les signatures autographes de D' Alembert, de Buffon, de Jus-

(1) Cette chemise rappelle en quelques points les gravures anciennes d'un prix inestimable qui, au Musée du Louvre, servaient de chemise à des recueils de lithographies (Voyez *Jubinal, une Lettre inédite de Montaigne,* pag. 106). J'ignore si c'est de la collection Buache, ou de toute autre collection, que provenait l'*Etat* mis en vente, au mois d'Avril 1834, dans un catalogue d'autographes publié par M. Galliot, libraire à Paris. Voici, d'après le catalogue la description de cette pièce qui se rattache à l'histoire de l'Institut, et au sujet de laquelle on pourrait bien dire, comme l'Acte d'Accusation : *de tels documents ne peuvent entrer dans le commerce* :

" An XI.

" 696.— Etat des indemnités des membres de l'Institut national pour le mois de thermidor, contenant les signatures de La Grange, Laplace, Bossut, Legendre, Lacroix, Biot, Monge, Prony, Perier, Berthoud, Carnot, Lalande, Messier, Cassini, Le Français-Lalande, Bouvard, Bougainville, Fleurieu, Buache, Vauquelin, Deyeux, Chaptal, Haüy, Desmarets, Duhamel, Sage, Ramond, Lamarck, Desfontaines, Adanson, Jussieu, Ventenat, Labillardière, Thouin, Tessier, Cels, Parmentier, Huzard, Lacépède, Tenon, Richard, Olivier, Pinel, Desluarty, Sabatier, Portal, Hallé Pelletan, Lassus Delambre, Cuvier."

Il a paru dans d'autres ventes plusieurs *Etats* semblables.

sieu, de Vaucanson, enfin de tous les membres de l'Académie, sans en excepter De l'Isle, Buache et Mairan, servait à envelopper divers papiers et mémoires de Lavoisier provenant, d'après l'Acte d'Accusation, des archives de l'Académie des Sciences. Cette chemise porte pour indication ces mots : *Mémoires et rapports de Lavoisier*, d'une écriture parfaitement identique à celle des notes qui se voient sur beaucoup d'autres chemises qu'on rencontre dans les papiers ayant fait partie de la collection de Buache. C'est dans cette chemise que se trouvaient certains écrits de Lavoisier, qu'on m'accuse d'avoir dérobés.

Ne vous semble-t-il pas, Monsieur le Président, que les papiers provenant des archives des anciennes Académies, et particulièrement ceux de Lavoisier et de De l'Isle, ayant été gardés avec un soin si particulier, qu'après avoir traîné dans vingt boutiques d'épiciers, ils se sont répandus dans toutes les collections pour figurer dans les plus célèbres catalogues de vente en France et en Angleterre, ne vous semble-t-il pas que l'Acte d'Accusation ait grande raison d'affirmer que Libri est le SEUL qui ait possédé ou mis en vente de tels papiers, et que la possession seule est dans ce cas une preuve de soustraction ? Et que faut-il penser de ce soin touchant pour la conservation des papiers des anciennes Académies, qui a porté certains collecteurs à choisir des listes signées par tous les membres de l'Académie des Sciences et écrites sur du papier très fort, pour faire des chemises destinées à préserver des autographes de moindre dimension provenant de la même source ! C'est à la suite d'une conservation si régulière que les magistrats, après avoir, sans sourciller, laissé mettre en vente cent fois, tantôt à la livre et par paquets, dans des boutiques et sur le quai, tantôt dans des catalogues où ils ont été décrits avec soin et de manière à ce que la provenance n'en pût être *un instant douteuse*, les papiers qui sortaient par masses de l'Institut ou des anciennes Académies, de l'Observatoire, et d'autres grands dépôts publics, viennent aujourd'hui me demander compte, à moi qui les ai eus peut-être de la dixième main, de quelques débris qu'ils ont pu trouver en ma possession ? N'est-il pas évident que je suis toujours un voleur ou un recéleur ? N'est-il pas évident surtout que les principes posés par les magistrats sont de nature à porter une grave atteinte au

nom de Buache, membre de l'Institut, et du Bureau des Longitudes, et Hydrographe en Chef (c'est le catalogue de sa vente(1) qui le dit) du Dépôt des Cartes et Plans de la Marine, dans la bibliothèque duquel se sont trouvés des monceaux de papiers autographes provenant de l'Institut ou des anciennes Académies, de la bibliothèque de l'Observatoire, qui est celle du Bureau des Longitudes, et du Dépôt de la Marine? Pour Dieu, Monsieur le Président, repoussez, au nom de l'Institut, ces nouvelles maximes des magistrats qui auraient pour conséquence de flétrir les noms les plus illustres.

J'ai hâte d'avancer. Je ne produirai donc plus qu'un seul exemple parmi tant d'autres qu'il me resterait encore à citer: c'est celui d'Arbogast. L'Acte d'Accusation, en le nommant, me force à m'occuper de ce savant géomètre qui fut membre de la Convention et membre non résident de l'Institut. Ecoutons d'abord l'acte d'accusation:

"En 1836, Libri a acheté à la vente Perrin de Sanson un recueil de lettres adressées à Gassendi, qui renfermait, d'après les énonciations du catalogue, au moins une, et peut-être plusieurs lettres de Descartes au P. Mersenne, Depuis cette époque, il s'est rendu acquéreur des papiers d'Arbogast, contenant, dit-il, de nombreux autographes, notamment de Descartes. Mais alors même qu'il justifierait de l'acquisition légitime d'un certain nombre de ces pièces, il resterait toujours à sa charge le fait de la détention inexplicable de documents nécessairement soustraits à l'Institut."

Ici les magistrats en présence de l'acquisition que j'avais faite, au vu et au su de tout le monde, de la collection des manuscrits d'Arbogast, ne se sentant pas probablement assez forts pour faire croire, même aux mieux disposés, que j'eusse dérobé les correspondances de Torricelli et de Descartes avec le père Mersenne, ou les manuscrits de Frénicle, dont il est question dans l'Acte d'Accusation, ont voulu mettre du moins à ma charge cette *détention inexplicable*, disons le mot, ce *recel* de documents sortis de l'Institut. Suivant

(1) Dans un article biographique sur Buache, M. Walckenaer, secrétaire perpétuel de l'Académie des Inscriptions et Belles-Lettres, dit que ce savant géographe était en outre *Conservateur du Depôt des Cartes de la Marine* (*Biographie Universelle, Supplément*, tom. LIX. pag. 403—404).

leur affirmation, et comme le prouve bien tout ce que j'ai dit jusqu'ici, j'ai été toujours *l'unique,* le SEUL possesseur de ces manuscrits.

Ce n'est pas la première fois que l' on entend parler des manuscrits d'Arbogast. Dès le mois de Septembre 1839, j'annonçais dans le *Journal des Savants,* l'acquisition que j'avais faite de ces manuscrits, qui, après avoir appartenu successivement à Arbogast et à Français, (ce dernier semble y avoir fait des adjonctions) étaient allés pourrir dans la boutique d'un bouquiniste de Metz. J'eus connaissance de l'existence de ces manuscrits par l'intermédiaire de M. Cretaine, libraire à Paris, et j'en fis l'acquisition par l'entremise de M. le Capitaine Didion, professeur à l'Ecole d'application de Metz(1). C'est dans la même bibliothèque de Français, dont on avait négligé les manuscrits, parce qu'ils étaient en mauvais état, et empaquetés comme de vieux papiers inutiles, que M. Arago avait trouvé des ouvrages de Newton et de Descartes, portant l'envoi autographe de l'auteur. C'est lui-même qui l'a affirmé(2) le jour où, en annonçant la découverte de ces manuscrits, je présentai à l'Institut les écrits inédits de Fermat qui formaient aux yeux des savants la partie la plus précieuse de cette collection. Ces faits sont connus de tout Paris, ils ont été racontés en détail par moi, au moment même de la découverte, dans le *Journal des Savants*; quelques années plus tard, je les ai reproduits dans un article sur Fermat qui a paru en 1845 dans la *Revue des Deux Mondes*(3). J'ai montré, dès l'origine, ces manuscrits à plusieurs personnes, auxquelles j'ai même fait remarquer des notes fort singulières d'Arbogast qui se lisaient sur quelques-uns de ces papiers. J'ai publié dans le *Journal des Savants* une pièce du plus haut intérêt relative à Pascal, et que j'avais trouvée parmi ces papiers; j'ai publié aussi une des lettres autographes de Descartes que j'y avais rencontrées(4). Bien que l'article du *Journal des Savants* portât ce titre: *Des*

(1) Voici ce que j'ai dit à ce sujet dans l'article publié à propos de ces manuscrits dans le *Journal des Savants* (Septembre 1839, pag. 561.) " C'est par un libraire de Paris, auquel on avait envoyé un liste informe de plusieurs livres qui étaient à vendre à Metz, que nous avons appris l'existence de ces manuscrits dont un professeur distingué de l'Ecole d'Application de Metz, M. le Capitaine Didion, a bien voulu faire l'acquisition pour nous."

(2) Voyez le *Journal des Savants,* Septembre 1839, pag. 561.

(3) Livraison du 15 Mai 1845, pag. 700—701.

(4) *Journal des Savants,* Septembre 1839, pag. 553—554.

*manuscrits inédits de Fermat* et que tout le reste ne fût qu'un hors-d'œuvre, je ne manquai pas d'indiquer rapidement dans cet écrit, la manière dont j'étais devenu possesseur de ces précieux papiers, et de signaler quelques-unes des principales pièces autographes contenues dans cette collection. Voici un des passages où je parle de mon heureuse trouvaille :

"Les écrits de Fermat, dont nous nous occupons, faisaient partie d'une collection volumineuse que nous avons acquise récemment, et qui contient une foule de pièces inédites des plus illustres géomètres. Nous nous bornerons à citer Viete, Descartes, Roberval, l'Hospital, Jean Bernoulli, Varignon, Euler, D'Alembert et Lagrange(1)."

L'Acte d'Accusation qui se plaît à chaque instant à me reprocher les manœuvres les plus savantes, les *frauduleuses altérations,* les *précautions astucieuses,* les *supercheries* mystérieuses à l'aide desquelles je me serais approprié des objets provenant des établissemens publics de la France, ne saurait me reprocher ici d'avoir procédé par ruse et dans *les ténèbres.* Dès que j'ai entre les mains ces manuscrits de Descartes, de Fermat, de Roberval, etc., qu'on m'accuse aujourd'hui d'avoir dérobés, j'embouche la trompette et je les annonce hautement *Urbi et Orbi.* La découverte de ces manuscrits fait un tel bruit que le gouvernement s'en émeut, et que M. Villemain, alors ministre de l'instruction publique, présente un projet de loi à la Chambre des Députés et demande des fonds pour la publication de ces manuscrits. M. Arago est chargé de faire un rapport à la chambre sur cette question, et bouleverse, malgré les observations judicieuses de M. Villemain, le projet de publication que ce ministre si cher à l'Université avait présenté. La Chambre des Pairs ne tenant aucun compte des observations de M. Arago, qui étaient trop clairement dirigées contre moi, revint aux idées de M. Villemain(2). Malgré la rancune profonde de M. Arago, qui mettait à son concours la condition que je ne fusse pas chargé de diriger(3) cette publication

(1) *Journal des Savants,* Septembre 1839, pag. 553.

(2) Voyez la *Revue des Deux Mondes,* livraison du 15 Mai 1845, pag. 703 et suiv.

(3) L'Acte d'Accusation, entre autres choses, me représente comme un homme avide, et repousse dédaigneusement, en ces termes, la supposition de présents que j'aurais faits à différentes bibliothèques :

" La munificence de Libri aurait enrichi plusieurs bibliothèques!

(c'est M. Villemain lui-même qui me l'a appris), ce ministre pour qui je conserverai toujours les sentiments de

Quant à celle de Carpentras et à la Mazarine, on sait désormais à quoi s'en tenir. Il faut voir maintenant ce qu'il en est de ses libéralités projetées à l'égard de la Bibliothèque nationale, etc."

Chaque réponse arrivera à son temps, et les magistrats n'auront pas à s'applaudir, je crois, du ton qu'ils ont pris dans ce paragraphe. Il me suffira de dire aujourd'hui, à propos des manuscrits de Fermat, que lorsque, à la suite des publications que j'avais faites dans le *Journal des Savants*, (Septembre 1839, et Mai 1841) M. Villemain forma le projet de faire paraître les œuvres de Fermat, il me fit l'honneur de me proposer d'acheter les manuscrits qui étaient en ma possession, afin de les publier. Ma réponse au Ministre fut que non seulement je n'accepterais aucune indemnité pour ces manuscrits, mais que si j'étais chargé *gratuitement* de cette publication, je ferais présent à la Bibliothèque royale de ces manuscrits, auxquels les savants attachaient un très haut prix. M. Villemain voulut bien m'écrire à ce sujet la lettre suivante, qui est entre mes mains :

" Cabinet du Ministre.

" Ministère de l'Instruction Publique.

" Paris, le 11 Avril, 1843.

" Monsieur, j'ai l'honneur de vous remercier de l'envoi que vous voulez bien me faire des manuscrits inédits de Fermat. J'ai remis ces manuscrits à M. le Chef du Secrétariat du Ministère, qui les gardera en dépôt sous sa responsabilité, jusqu'à l'époque où il sera donné suite au projet d'une publication des œuvres complètes de Fermat. A ce moment, Monsieur, ces manuscrits seront donnés selon votre intention à la Bibliothèque du Roi, sauf l'usage que vous aurez à en faire pour la publication précitée dont vous seriez l'éditeur. Si, au contraire, ce projet ne se réalisait pas, M. le Chef du Secrétariat sera toujours prêt à vous les remettre.

" Agréez, Monsieur, l'assurance de ma considération la plus distinguée.

" Le Pair de France,
" Ministre de l'Instruction Publique,
" VILLEMAIN.

" M. Libri, Membre de l'Institut.
" A la Sorbonne."

Ces papiers, qui contenaient les pièces de Fermat, et d'autres savants, qu'il semblait utile de comprendre, en entier ou en partie,

la plus vive reconnaissance, n'hésita pas à me charger d'élever à la Mémoire de Fermat un monument sur lequel je me serais efforcé de graver en caractères ineffaçables mes sentiments pour le pays qui m'avait adopté. Veuillez dire à M. Arago, Monsieur le Président, que c'était à ce moment là, que, lui mon ennemi, lui qui, en sa qualité de secrétaire perpétuel de l'Académie des Sciences, ne pouvait pas ignorer(1) ce que devaient contenir les cartons de l'Institut, que c'était alors, dis-je, et en face, qu'il aurait dû m'accuser et proclamer hautement le vol. Ce n'est pas par excès de courage que cet astronome célèbre a attendu, pour répandre ces calomnies, le jour où il était porté à la dictature sur les pavois avinés des vainqueurs de Février.

Ce qui précède pourrait servir à me laver des ridicules accusations qui ont été dirigées contre moi à propos de l'Institut. Mais puisqu'on m'y force, puisque l'Acte d'Accusation veut absolument que la possession seule de certains objets soit un crime, voici quelques détails (j'en donnerai d'autres plus tard si on le demande) au sujet de la collection formée par Arbogast, ancien membre de la Convention et de l'Institut.

Dans le paragraphe reproduit plus haut de mon article inséré au *Journal des Savants* au moment où j'avais eu à peine le temps de jeter un coup d'œil sur la collection d'Arbogast dont je venais de faire l'acquisition, je disais, à propos des pièces autographes dont cette collection se composait et dont plusieurs étaient anonymes : *Nous nous bornerons à citer Viete, Descartes, Roberval, l'Hospital, Jean Bernoulli, Varignon, Euler, D'Alembert et Lagrange.* Bien que ce ne soit là qu'une énumération incomplète (*nous nous bornerons*), les magistrats pourraient peut-être se croire en droit de repousser, comme n'ayant pas fait partie des papiers d'Arbogast, tout écrit qui ne serait pas compris dans cette énumération. Heureusement Arbogast, qui était un homme

dans cette publication, restèrent long-temps au Ministère. Plus tard, après que M. Villemain eût quitté le pouvoir, fatigué de certaines hostilités sourdes que je rencontrais, et qui partaient principalement de l'Observatoire, je me retirai de cette publication, et je repris la libre disposition de ces manuscrits, que j'ai eu le bonheur de soustraire à la rage de mes ennemis.

(1) Voyez plus loin, pag. 61.

d'ordre, et qui, comme je l'ai déjà fait connaître dans l'article plusieurs fois cité du *Journal des Savants*, avait indiqué de sa propre main quels étaient les écrits de Fermat qu'il avait trouvés dans la bibliothèque des ci-devant Minimes à Paris, Arbogast, qui a eu soin de dresser la liste des lettres de Descartes qu'il possédait et qu'il déclare avoir *trouvées à l'Académie des Sciences* (sic), Arbogast, qui affirme avoir *trouvé* encore a l'Académie des Sciences les lettres de Torricelli qu'il avait entre les mains, Arbogast n'a pas manqué d'écrire, toujours de sa main, la liste des manuscrits et des lettres qu'il possédait. Cette liste je l'ai, la voici :

"*Indication des savans dont je possède les Manuscrits, le Commercium epistolicum, ou des pièces séparées.*

"D'Alembert, Bachet, Bernoulli, Billy, Borda, Borelli, Bouguer, Bouillaud, Cassini, Cavalieri, Charpit, Clairaut, Condorcet, Descartes, Euler, Fermat, Flamsteed, Fontaine, Frenicle, Galilée, Gassendi, Halley, Hevelius, Hobbes, Huyghens, Kepler, La Condamine, Lagrange, Lahire, Lambert, Leibnitz, L'Hospital, Mersenne, Moivre, Mydorge, Newton, Oldenbourg, Ozanam, Pascal, Peiresc, Réaumur, Renaldini, Roberval, Simpson, Torricelli, Varignon, Viete, L. de Vinci, Viviani, Wallis."

Outre les noms que j'avais fait connaître dans l'article publié en 1839 par le *Journal des Savants*, cette liste contient encore d'autres noms que l'Acte d'Accusation a eu soin de ramasser. Ce sont ces lettres ou ces manuscrits de Descartes, de Frénicle, de Torricelli, de Renaldini, de Borda, etc., etc., qui étaient restés si long-temps entre les mains d'Arbogast et de Francais, sans jamais exciter aucune réclamation ; ce sont ces manuscrits, dis-je, que l'Acte d'Accusation me fait un crime de posséder. Cette accusation a été soulevée, non pas au moment où l'acquisition a eu lieu au su et au vu de tout le monde, non pas au moment ou j'ai fait connaître au public cette acquisition, dont le gouvernement, l'Institut, l'Europe entière ont été informés, mais onze ans plus tard, à la suite d'une révolution qui avait porté mes ennemis a la dictature. Voilà comment procède la justice en France quand elle s'occupe de

moi. Les pièces dont je viens de parler, portant les annotations que j'ai signalées, ont été vues par différentes personnes, même par des membres de l'Institut. Si l'Institut voulait faire examiner par une commission choisie dans son sein une question qui doit l'intéresser à tant de titres, je m'empresserais de fournir à cette commission tous les renseignements qui pourraient faciliter ses recherches.(1) Il serait fâcheux que l'Europe pût croire qu'une question si grave a été jugée, sans avoir jamais été sérieusement examinée.

Je vous prierai de remarquer, Monsieur le Président, que dans tout ce qui précède je n'ai pas mis le moins du monde en doute la parfaite exactitude des assertions des experts et du parquet. J'aurais pourtant bien des choses à dire, bien des observations à faire sur leur véracité, sur leur bonne foi, sur leur loyauté; mais cette lettre est déjà si longue que je me bornerai à un très petit nombre de remarques.

D'abord, quant à tous ces *rapports*, quant à toutes ces lettres adressées à Bignon et autres *secrétaires perpétuels* de l'Académie des Sciences, etc., lettres et rapports qu'on indique d'une manière si générale qu'il serait absolument impossible d'en constater l'identité d'après l'Acte d'Accusation, je commencerai par faire remarquer, qu'à supposer qu'on les ait réellement trouvées chez moi, ces pièces n'ont absolument aucune valeur vénale. Comme je l'ai montré plus haut, de tels documents se trouvaient en grand nombre dans les papiers de Buache, et, si cela devient nécessaire, je prouverai mieux encore une autre fois qu'il s'en est vendu des quantités par lots et par paquets. Sauf quelques cas exceptionnels ces *rapports*, qui généralement sont écrits de la main d'un copiste, se vendent dix ou vingt sous pièce, même lorsqu'ils portent les signatures les plus illustres, après qu'on a fait la dépense de les annoncer dans un catalogue. Aussi s'est-il trouvé peu de personnes disposées à en faire passer dans les ventes. Le rapport de Berthollet dont il a été question plus haut et qui fut mis en vente, en 1837, par M. Mon-

(1) Voyez plus loin, pag. 71.

merqué, Conseiller à la Cour Royale, quoiqu'entièrement écrit de la main de Berthollet et signé par lui, ne rapporta que trois francs après avoir été accolé à une lettre du Général L. Berthier. Trois francs pour les deux pièces, c'est, l'un dans l'autre, modestement, trente sous pour chacun de nos rapports, Monsieur le Président, quand ils sont autographes et signés.

L'Acte d'Accusation s'exprime ainsi qu'il suit à propos des lettres de Descartes qu'auraient renfermées les Archives de l'Institut:

"Le même carton, N°. 33, indique soixante-cinq lettres de Descartes au P. Mersenne, qui ne s'y trouvent plus. Le carton N°. 27 renferme une chemise intitulée *Lettres de Descartes au P. Mersenne et au Chevalier Cavendish, etc.* On n'y voit plus que trois lettres adressées au P. Mersenne."

Je ne suis, bien entendu, qu'un italien, qu'un étranger; qu'on me permette pourtant de faire remarquer que lorsqu'on a l'honneur d'être français, et qu'on a passé trente mois à préparer un Acte d'Accusation, il n'y aurait point d'inconvénient à ce que ce document fût écrit passablement en français. Or, il me semble, qu'un carton *n'indique pas* tout seul *des lettres* de Descartes, ou de toute autre personne, *qui ne s'y trouvent plus.* Ce carton portât-il le No. 33, ce carton, en sa qualité de carton de l'Institut, fût-il un carton savant, eût-il même été construit par le fameux Vaucanson, lequel a fait des oiseaux qui mangeaient, digéraient, etc., je pense qu'il eût été à propos de montrer par quel moyen ce carton *indique ce qui ne s'y trouve plus.* Une indication, quelle qu'elle soit, donne toujours lieu à des interprétations, à des inductions, etc. etc., or nous savons déjà comment les experts et les magistrats se servent contre moi, des indications qu'ils peuvent recueillir. Le fameux *Catullus* qu'on m'accusait d'avoir dérobé à la bibliothèque de Montpellier, portait une *indication* qui signifiait JEAN; au lieu de ce nom assez connu on a lu DIX, et cette *indication* a servi de base à une formidable accusation, qui est devenue le cheval de bataille des magistrats, et qui

occupe presqu'une colonne du *Moniteur*. Si vous avez lu, Monsieur le Président, dans une lettre à M. Barthélemy Saint-Hilaire, le sort qu'a eu ce grief accablant, vous excuserez ma curiosité de connaître un peu mieux comment les cartons de l'Institut *indiquent ce qui ne s'y trouve plus*. La science est toujours mystérieuse, et il y a certes quelque mystère dans ces deux cartons 33 et 27, dont l'un indique ce qui ne s'y trouve pas, et dont l'autre contient ce qu'il n'indique pas devoir s'y trouver. Ne croiriez-vous pas, Monsieur le Président, qu'il serait opportun de faire faire, à propos de ces deux cartons, un rapport qui, suivant l'occasion, pourrait plus tard, s'il était entièrement autographe, se vendre trois francs à une autre vente de M. Monmerqué, Conseiller à la Cour Royale, ou servir de chemise dans une future vente Buache? Des commissaires, qui seraient membres de l'Institut et qui, en cette qualité, auraient toutes les lumières et toute l'impartialité dont les experts étaient privés, feraient remarquer sans doute, que rien n'annonce que les *chemises* ou les *indications*, dont il s'agit ici, se rapportent à une époque assez récente pour qu'on puisse en tirer un seul indice de culpabilité contre moi; que les papiers contenus dans une chemise ont pu en sortir et être confondus, même à dessein, avec d'autres papiers, par des experts qui n'ont pas offert jusqu'ici de grandes preuves de savoir ou d'impartialité; qu'en outre pour constater l'identité d'un autographe, il ne suffit pas de dire que c'est une lettre écrite par *un tel*. Les savants, les érudits ont écrit dans leur vie des milliers de lettres, dont on ne peut établir l'identité que par la date, par le contenu, et par d'autres circonstances qu'il n'est pas nécessaire d'énumérer. Ces commissaires ne manqueraient pas, sans doute, de faire observer qu'en ce cas, comme toujours, l'Acte d'Accusation ne procède pas autrement qu'en disant :

"Le carton 33 indique, ou semble indiquer, génériquement des objets qui (à ce qu'on dit) ne s'y trouvaient plus au moment où les experts l'ont examiné, et qu'il a pu renfermer à une époque quelconque, peut-être fort ancienne; M. Libri a possédé, ou semble avoir possédé, des objets de la même nature: donc il y a identité, donc c'est un voleur."

A l'Institut, on raisonne mieux; et c'est pour cela que ce corps illustre, dont certains magistrats, j'ai eu l'honneur de vous le faire remarquer, connaissent si peu l'histoire, a pu contribuer si largement aux progrès des connaissances humaines. Des commissaires choisis au sein de l'Institut apprendraient sans doute à ces magistrats, qu'il s'est vendu à différentes époques des lettres de Descartes par lots et par paquets(1); qu'il en existe au British Museum; que la correspondance de Descartes ne se voyait déjà plus à l'Institut lorsque M. Cousin, il y a vingt six ans, a publié de nouveau cette correspondance dans son excellente édition de Descartes(2); que M. Cousin a dû se contenter de tirer les additions importantes qui se trouvent dans son édition, d'un exemplaire de l'édition de 1667 des lettres de Descartes, existant à la bibliothèque de l'Institut et à la marge duquel un savant, dont on ignore le nom, a ajouté d'une écriture qui date d'un siècle, des additions fournies par les manuscrits qu'avait possédés La Hire(3). A l'appui de ce qu'on vient de lire, ces commissaires montreraient aux rédacteurs de l'Acte d'Accusation un *fac-simile* de l'écriture de Descartes, placé par M. Cousin en tête du XIe volume (publié en 1826) des Œuvres de Descartes, et ils leur feraient remarquer le passage suivant qu'on voit dans ce même volume (4):

"Enfin, pour satisfaire la curiosité si naturelle qui recherche les moindres traces d'un homme de génie, et croit retrouver quelque chose de lui jusque dans son écriture, nous publions le *fac-simile* d'un billet autographe de Descartes que nous devons à

(1) Dans le catalogue des autographes de M. Thorpe pour l'année 1833, on voit au N°. 234, *cent vingt-sept lettres autographes* de Descartes, ou qui lui sont adressées, mises en vente pour *huit livres sterlings, huit schellings*, (environ 210 francs). Au N°. 233 et 235 de ce même catalogue, se voient deux longues et intéressantes (ce sont les épithètes employées par M. Thorpe dans son catalogue) lettres autographes de Descartes, mises en vente (avec de beaux portraits) au prix de 7 shellings 6 pence (environ 10 francs) chacune.

(2) Œuvres de Descartes publiées par V. Cousin, Paris 1824—26, 1 vol. in 8vo.

(3) Voyez l'*Avertissement* par M. Cousin, en tête du tome VI. publié en 1824, de cette édition. M. Cousin dit, que cet exemplaire, appartenant à l'Institut, porte l'estampille de l'Université.

(4) Page vii de l'*Avertissement*.

l'amitié d'un de ses plus proches descendants, M. le Marquis de Châteaugiron, et nous espérons que cette attention ne sera pas mal reçue par les amateurs d'autographes, car ce billet, en lui-même insignifiant, est pourtant *la seule trace qui nous reste de l'écriture de Descartes.*" (1)

Ce témoignage, déjà si considérable, de M. Cousin se trouve corroboré et confirmé par deux lettres qui sont entre mes mains, l'une de Mlle. Germain, célèbre par ses travaux mathématiques l'autre de M. Fourier, ancien secrétaire perpétuel de l'Académie des Sciences. Vous connaissez déjà, Monsieur le Président, la lettre de Mlle. Germain que j'ai citée plus haut (pag. 33—34). Si je la reproduis ici avec celle de M. Fourier, c'est que ces deux lettres se complètent mutuellement. Voici d'abord ce que m'écrivait Mlle. Germain :

" Je me suis empressée, Monsieur, de demander à M. Fourier les renseignemens que vous désirez ; malheureusement il paraît que les papiers de Fermat, de Descartes et des autres anciens

(1) M. Cousin n'est pas seulement un philosophe éminent; c'est un érudit, patient et sagace, qui connaît les manuscrits, et qui sait en tirer un grand profit, comme le prouvent ses travaux sur Pascal, et sur Abélard. Peut-on croire que, si les cartons de l'Institut eussent contenu en 1824 et en 1826 les masses de lettres de Descartes qu'on prétend aujourd'hui y être restées jusqu'à ces derniers temps, M. Cousin, le fouilleur par excellence, M. Cousin qui trouvait à l'Institut même cet exemplaire des lettres de Descartes, qu'il mettait à profit pour son édition, n'en aurait rien su ? Peut-on imaginer que M. Biot et M. Feuillet, lesquels ont donné en 1814 une excellente biographie de Descartes, dans la *Biographie Universelle*, auraient ignoré une particularité si digne de remarque ? M. Biot, membre de l'Institut, qui a prouvé dans toutes les circonstances, qu'en lui l'invention et l'érudition marchent de front; M. Feuillet, savant à jamais regrettable qui est resté plus de quarante ans attaché à l'Institut, d'abord comme sous-bibliothécaire, ensuite comme bibliothécaire-en-chef, et qui, personne ne l'ignore à l'Institut, avait tout mis en ordre, tout examiné dans l'établissement confié à ses soins ? Quelques lettres égarées, comme on le voit par l'Acte d'Accusation, dans des cartons qui *ne les indiquent pas*, ont pu se trouver à l'Institut, mais des masses, comme pour me nuire le suppose ce document, si elles ont existé dans cet établissement, en sont sorties depuis longues années.

géomètres qui d'après ce qu'on vous a dit devoient exister à l'ancienne Académie des sciences, ont été égarés ou enlevés ; on s'en est assuré, m'a-t-il dit, lorsque l'Académie a proposé un prix pour la démonstration du dernier théorême de Fermat. Déjà à la révolution les archives des Académies avoient été mises au pillage, et, par suite du goût des autographes qui s'est tant répandu, les pièces les plus remarquables qui existoient à l'Institut ont disparu. M. Fourier m'a raconté à ce sujet des choses fort curieuses qni prouvent qu'on ne se fait aucun scrupule de puiser dans les cartons de l'Institut ; du reste, il en est à peu près de même partout. On m'a assurée que les lettres des plus anciens astronomes de l'Observatoire sont mises très galamment à la disposition des femmes du monde ; c'est donc plutôt dans les albums des dames que dans les archives de l'Institut que vous avez la chance de trouver ce que vous cherchez.

" Je compte toujours sur l'honneur de vous voir Mercredi. Agréez l'assurance de la considération la plus distinguée.

" S. Germain."

Cette lettre emprunte la date dont elle manque à la lettre suivante que M. Fourier me fit l'honneur de m'adresser le 12 Juin 1825, et dans laquelle se trouve la confirmation de ce que m'avait annoncé Mlle. Germain. La lettre de M. Fourier est écrite sur ce papier, appelé communément *à tête* dont se servent les secrétaires de l'Institut, et les quatre premières lignes de cette lettre sont en caractères imprimés :

" Institut de France

" Académie Royale des Sciences.

" Paris, le 18

" Le Secrétaire perpétuel de l'Académie.

" J'ai l'honneur de me rappeler au souvenir de M. Libri et le prie de m'informer s'il a une copie du rapport fait par M. Cauchy, le 9 Août 1824, sur son mémoire relatif à la théorie des nombres.

" Je désirerais faire mention de ce rapport dans l'analyse des travaux annuels, et le citer d'une manière qui conviendrait à Monsieur de Libri. Je lui communiquerai auparavant cette citation.

" J'ai inutilement cherché ce rapport dans les pièces qui m'ont été remises ; je prie Monsieur de Libri de me le communiquer le

plus promptement qu'il lui sera possible. Je l'enverrai prendre chez lui demain avant midi.

"Je prie Monsieur de Libri d'agréer mes vœux et mon désir de conserver les sentimens qu'il veut bien m'accorder.

J^h. FOURIER."

"Si Monsieur de Libri a vu Mademoiselle Germain il a dû apprendre que l'Académie a perdu la plus grande partie de ses anciens papiers. Les écrits mathématiques que Monsieur de Libri désirait consulter, n'existent malheureusement plus dans nos archives."

"12 Juin, Paris.

Cette lettre porte pour adresse, *Monsieur, Monsieur de Libri, Hôtel de Bretagne.* C'est l'hôtel dans lequel je demeurais en Juin 1825, pendant un voyage que je fis à Paris étant encore très jeune. Au mois de Juin de cette année, M. Fourier, se préparant à publier l'*Analyse des travaux de l'Académie* qui fut imprimée et distribuée à la séance publique de l'Académie des Sciences du 20 Juin 1825, et voulant, avec une rare bienveillance, encourager les travaux d'un jeune homme dont un mémoire avait déjà été jugé digne en 1824 d'être inséré dans le *Recueil des Savants Etrangers*, me fit l'honneur de m'adresser cette lettre, que je suis doublement heureux d'avoir pu conserver. La mention si flatteuse qu'il voulut bien faire de mon travail se trouve dans l'*Analyse* (publiée en 1825) *des travaux de l'Académie Royale des Sciences pendant l'année* 1824*; partie mathématique* (pag. LXVIII). C'est là ce qui détermine exactement la date de cette lettre de M. Fourier. Comme cela sera prouvé par une foule de documents qui détruisent toutes les suppositions contraires de l'Acte d'Accusation, je m'occupais déjà de l'histoire des sciences et particulièrement de Fermat. C'est surtout d'après des indications assez vagues que j'avais reçues en Italie de M. le Baron Maurice, membre de l'Institut, que je m'étais imaginé pouvoir trouver dans les archives de l'Institut quelques écrits des anciens géomètres français. Lors même que je n'aurais pas pû montrer, comme je l'ai fait plus haut, d'où je tenais les papiers de Descartes, de Fermat, et des autres géomètres que j'ai trouvés dans la collection d'Arbogast, les deux lettres précédentes, suffiraient pour répondre aux faussetés contenues à ce sujet dans l'Acte d'Accusation.

Quant aux lettres isolées qui ont pu rester dans les Archives de l'Institut, et particulièrement au sujet des lettres

de Descartes au chevalier Cavendish, dont l'Acte d'Accusation annonce la disparition, des commissaires nommés par l'Institut ne manqueraient pas de faire remarquer qu'une lettre de Descartes à ce même chevalier Cavendish a paru en 1843 dans la vente de Madame la Marquise de Dolomieu, qui la possédait depuis fort longtemps, comme cela résulte de son catalogue rédigé avant 1836, et connu dès lors de tous les amateurs(1). Enfin ces commissaires voudraient probablement savoir quel est cet illustre membre de l'Académie des Sciences, qui, d'après l'assertion de M. Jubinal, appuyée sur le témoignage de M. Duchesne, conservateur du Cabinet des Estampes à la Bibliothèque Nationale, aurait *pris sans façon*(2), cette lettre autographe de Descartes au père Mersenne qui existait au Secrétariat de l'Institut et dont le *fac-simile* a été donné dans *l'Isographie* avant 1830.

L'article de l'Acte d'Accusation relatif à la "*chemise intitulée* : Lettres de Torricelli à Carcavi, Roberval, Mersenne", pourrait donner lieu à des observations tout à fait analogues. Il faut ajouter seulement que l'Accusation veut établir qu'il existait à l'Institut des Lettres de Torricelli à Carcavi, à Roberval, et à Mersenne, et que, trouvant, ou croyant trouver entre mes mains quelques-unes de ces mêmes lettres de Torricelli à Roberval et à Mersenne, elle ne s'occupe plus de celles qui étaient adressées à Carcavi et qui auraient dû devenir l'objet d'une enquête spéciale. Ajoutons encore que lorsque l'Acte d'Accusation, avec son assurance ordinaire, dit ce qui suit : *Il n'a paru dans le commerce qu'une seule lettre de Torricelli ..... et c'est Libri qui la mettait en vente en* 1846, il se trompe une fois de plus, car sans compter celles qui se trouvaient dans les papiers d'Arbogast dont j'ai fait l'acquisition, il a été vendu des lettres de

(1) Dans un livre dont les magistrats ne récuseront pas l'autorité, le *Manuel* de M. Fontaine, je trouve (pag. 313) l'indication de cette lettre de Descartes, comme existant en 1836 dans la collection de Mme. de Dolomieu. M. Fontaine *n'est pas sorcier* (on le sait de reste) et nous devons admettre qu'il a vu en 1836, comme il l'annonce dans son livre, les lettres dont il parle et qui ont figuré plus tard à la vente de Mme. de Dolomieu. Il est vrai que M. Fontaine a diminué un peu son mérite, en disant à la page 213 de son *Manuel* à propos de ce même Descartes, *son autographe, très recherché, n'a pas encore passé dans les ventes* : car sans parler de la vente D'Aguesseau, où l'on avait vu figurer des autographes de Descartes, j'ai déjà dit qu'il y avait des paquets de lettres de ce grand philosophe dans le catalogue de M. Thorpe pour l'année 1833.

(2) Voyez ci-dessus, pag. 36.

Torricelli à différentes époques. Dans ma *Réponse au Rapport de M. Boucly* (§ 28 bis) j'ai déjà parlé des lettres de Torricelli, et d'autres savants célèbres, que j'avais achetées par l'entremise de M. le Comte Fossombroni, ancien premier ministre du Grand-Duc de Toscane. J'ai vu une lettre de Torricelli dans les recueils d'autographes légués en 1828 au British Museum(1) par Lord Egerton, qui a dû acheter cette lettre à Paris. Je pourrai au besoin citer d'autres exemples.

Pour les manuscrits de Frénicle on a vu(2) que ceux qui m'ont appartenu, se trouvaient dans la collection d'Arbogast; ainsi c'est seulement pour montrer que tout est faux, (assertions, hypothèses et raisonnements) dans l'Acte d'Accusation, que je prolonge cet examen. Mais enfin quels sont ces manuscrits de Frénicle que devrait contenir(3) le carton N°. 33 des archives de l'Institut? Personne n'a cherché à s'en rendre compte. Les manuscrits de Frénicle que je possédais ne contenaient que des essais de mathématiques, et l'indication reproduite par l'Acte d'Accusation le prouve. Dans l'éloge de Frénicle, par Condorcet, je lis: *Frénicle*(4) *était naturaliste et on a de lui des observations qui sont restées manuscrites.* Condorcet, on le sait, était secrétaire perpétuel de l'Académie des Sciences, et il écrivait cet éloge avant les *distractions* que lui a reprochées Lalande(5). Il est vraisemblable que si des manuscrits de Frénicle, autres que des observations sur l'histoire naturelle, s'étaient trouvés dans les archives de l'Académie des Sciences au moment où Condorcet écrivait, il n'aurait pas manqué d'en parler. Comment les magistrats, sur une indication vague, ont-ils pu admettre si légèrement, et uniquement pour me nuire, l'identité des manuscrits que j'avais possédés et de ceux qui auraient existé à l'Institut?

Au reste, si l'on veut faire une enquête sérieuse, si l'on veut sincèrement connaître la vérité, il existe un moyen bien plus sûr que ces chemises et ces cartons qui *indiquent ce qui ne s'y trouve pas,* et qui *contiennent ce qu'ils n'indiquent pas.* Ce moyen c'est le *règlement* qui le fournit, le règlement de

(1) Vol. XXVII. f. 37.

(2) Voyez ci-dessus, pag. 51.

(3) " Or, (dit l'Acte d'Accusation) le carton N°. 33 des Archives, contient l'indication d'ouvrages de Frénicle qui ont disparu."

(4) *Condorcet, Œuvres Complètes,* Brunswick et Paris, 1804, 21 vols. in-8vo. tom. I. pag. 49—50.

(5) Voyez ci-dessus, pag. 24.

1699, année où l'Académie des Sciences avait réellement pour sceau un soleil au milieu de trois fleurs-de-lis. Je lis en effet dans ce règlement l'article suivant:

" § XLI. Les Registres, Titres et Papiers concernant l'Académie demeureront toujours entre les mains du Secrétaire, à qui ils seront incessamment remis par un inventaire que le Président en dressera: et au mois de Décembre de chaque année, ledit inventaire sera par le Président recolé et augmenté de ce qui s'y trouverait avoir été ajouté durant l'année."

Depuis le 4 Février 1699, jour où ce règlement fut lu à l'Académie des Sciences, cet inventaire a dû être fait et recolé un très grand nombre de fois, et je ne doute pas que M. le secrétaire perpétuel Arago, qui a montré en tout ceci, il faut le reconnaître, un zèle très louable pour la conservation des papiers de l'Académie, ne s'empresse de vous exhiber, Monsieur le Président, cet inventaire recolé tous les ans au mois de Décembre, et augmenté de tous les papiers ajoutés durant l'année. C'est là une pièce officielle, qui mérite plus de confiance que les assertions de MM. Lalanne, Bordier et Bourquelot, et qui fera connaître exactement à quelle époque certaines pièces, certains manuscrits, ont pu disparaître des archives de l'Académie des Sciences. Ne négligez rien, je vous prie, Monsieur le Président, pour vous faire représenter cet inventaire qui, en fournissant une nouvelle preuve du zèle de M. Arago pour les intérêts de l'Académie, doit donner le moyen d'effectuer une vérification si importante. Puisque le sceau de l'Académie des Sciences (un soleil au milieu de trois fleurs-de-lis) s'est conservé sans altération depuis 1699 jusqu'à nos jours (ce sont les magistrats qui l'affirment) je pense que cet article si important du règlement de 1699 a reçu sans interruption la plus scrupuleuse exécution.

Afin pourtant que vous puissiez vous faire une idée de ce que doit contenir cet inventaire, et par suite, de ce qui doit se trouver dans les archives des Académies, si, comme le prétendent les magistrats, aucune des pièces appartenant à ces compagnies n'a jamais pu être mise en circulation, permettez-moi, Monsieur le Président, de vous rappeler sommairement quelles sont les pièces qui ont dû successivement concourir à former ces archives.

Des cinq Académies qui composent aujourd'hui l'Institut, quatre, vous le savez mieux que moi, existaient avant la

Révolution, et furent supprimées en 1793. L'*Académie Française*, a été fondée en 1635 ; l'*Académie des Inscriptions et Belles-Lettres*, a été instituée en 1663 ; l'*Académie des Sciences* a été fondée en 1666 ; l'*Académie des Beaux-Arts*, a eu sa première origine en 1648 sous le nom d'*Académie de Peinture et de Sculpture ;* ce qui donne, en moyenne, à peu près deux cents ans d'existence pour chacune de ces Académies, sauf les deux années d'interruption depuis leur suppression en 1793, jusqu'à leur réorganisation en 1795, et leur réunion en un seul corps, sous le nom d'*Institut de France.* Les séances de chacune de ces Académies, ayant été dès l'origine hebdomadaires, et souvent même plus rapprochées(1), on peut compter en gros et en nombres ronds, à peu près dix mille séances par Académie, soit quarante mille séances pour les quatre Académies. Pour déterminer, même d'une manière approximative les travaux qui ont pu se faire par chacune de ces compagnies, je ne me guiderai pas sur l'activité prodigieuse de l'Académie des Sciences au dix-septième siècle, lorsque chaque jour voyait éclore une foule de recherches et d'observations sur les mathématiques, sur l'astronomie, sur la physique, sur la chimie, sur la botanique, sur la zoologie, sur la médecine, sur toutes les branches des sciences, en un mot, qui étaient cultivées expérimentalement et, qu'on me permette le mot, *manuellement*, dans un local appartenant à cette l'Académie. Je prendrai pour mes calculs une base plus modeste. Vous ne trouverez pas excessif, Monsieur le Président, que je pose en fait que les recherches et les travaux de toute nature des Académiciens, aient donné lieu, en moyenne, à deux communications par séance ; car enfin il faut passer son temps, et il faut que la séance soit remplie par quelque chose. Vous ne trouverez pas non plus excessif, qu'il

(1) D'après l'article XVI du règlement de l'année 1699 l'Académie des Sciences devait s'assembler les Mercredis et les Samedis de chaque semaine. Les assemblées de l'Académie des Inscriptions avaient lieu (§ XIV du règlement de 1701) les Mardis et les Vendredis. Les séances de l'Académie Française furent d'abord hebdomadaires. Pellisson nous apprend qu'en 1662, les réunions de cette compagnie avaient lieu deux fois par semaine, et nous lisons dans une note de l'Abbé D'Olivet qu'en 1675 on arrêta, qu'il y aurait trois séances par semaine. Cet usage s'est continué au moins jusqu'à 1729 (Pellisson et d'Olivet, *Histoire de l'Académie Françoise*, tom. 1. page 85—87). Les séances de ces diverses Académies devaient durer deux heures.

ait été fait, en moyenne, deux autres communications par séance, consistant soit en travaux présentés par des savans étrangers, soit en rapports faits sur ces travaux. Cela donne d'abord quatre pièces par séance. Vous conviendrez, Monsieur le Président, que je suis bien raisonnable en supposant qu'il n'arrive à chaque séance que six lettres, ou pièces diverses de correspondance. Si je devais me guider sur ce qui a lieu aujourd'hui, et sur la véritable avalanche de mémoires, de lettres, de pièces de toute nature dont on accable les différentes Académies, soit pour se procurer une publicité que quelques-unes de ces compagnies fournissent gratuitement, soit pour réclamer une part dans les prix qu'elles distribuent, ce ne serait pas six pièces par séance, mais vingt ou trente au moins qu'il faudrait supposer. Nous voilà donc, *au minimum*, à dix pièces par séance ; ajoutez à cela, Monsieur le Président, la feuille de présence, signée à chaque séance par tous les membres ; ajoutez y le procès verbal de chaque séance, rédigé par le secrétaire perpétuel, et lu à la séance suivante, et vous aurez au plus bas compte, douze pièces par séance ; ce qui fait à dix mille semaines ou séances par Académie, cent vingt mille pièces pour chacun de ces corps, soit, en se réduisant au plus stricte nécessaire, quatre cent quatre vingt mille pièces pour les quatre Académies. Dans ce calcul, je n'ai pas fait entrer les travaux demandés par le gouvernement, les présentations aux diverses places vacantes, les séances des Commissions administratives, les travaux si nombreux des diverses commissions chargées d'examiner les mémoires adressés aux Académies pour concourir aux prix, les comités secrets, etc. etc. qui donnent lieu à tant de procès verbaux, de quittances et de pièces séparées. Il faut ajouter encore à ce calcul les *Etats d'émargement* signés chaque mois par tous les membres, ainsi que les *Etats* qu'on fait signer aux académiciens lorsqu'on leur distribue certaines publications ; il faut y ajouter enfin tous les volumineux registres, sur lesquels sont transcrites les délibérations des diverses Académies.

Quoique cela forme déjà un total assez respectable, nous sommes bien loin d'avoir tout compté. En effet, les Académies, outre les travaux dont on vient de faire l'énumération, en ont entrepris ou dirigé beaucoup d'autres de longue haleine qui ont dû enrichir considérablement les collections des archives. Sans parler de la continuation de

la grande collection des *Historiens des Gaules* et de la continuation de *l'Histoire Littéraire*, entreprises par l'Académie des Inscriptions et Belles Lettres ; sans même mentionner la *Connoissance des Temps* publiée pendant plus d'un siècle par l'Académie des Sciences, la seule *Description des Arts et Métiers*, publiée par cette dernière Académie depuis 1761 jusqu'à 1789, en cent treize parties in folio, remplies de figures, a dû donner lieu à un amas prodigieux d'écrits autographes, de procès verbaux, de pièces de correspondance, de dessins, de reçus, etc., etc. Tous ces papiers se sont conservés intacts jusqu'à nos jours ; c'est l'Acte d'Accusation qui l'affirme. Plusieurs de ces documents, les mémoires scientifiques surtout, sont fort volumineux(1), et c'est à peine si un des cartons de l'Institut peut en contenir une centaine. D'après tout ce que je viens de dire, il est absolument impossible que les papiers qu'on doit trouver *intacts*, depuis l'origine, dans les archives des Académies remplissent moins de six à sept mille cartons. Je pense, Monsieur le Président, que vous les trouverez tous à leur place parfaitement étiquetés et numérotés et renfermant toutes les pièces décrites dans *l'inventaire* qui, d'après le règlement, a dû être *recolé tous les ans au mois de Décembre*. S'il n'y manque que ce que l'Acte d'Accusation prétend que j'ai dérobé, le déficit ne sera pas grand. Une chose m'a frappé dans le paragraphe que l'Acte d'Accusation intitule *Archives de l'Institut*. On y cite différents cartons que j'aurais mis au pillage et ces cartons ne portent que les numéros 27, 29, 33 et 35 ; comment se fait il que moi qui au dire des magistrats, avais des *facilités refusées à tout autre* et si *regrettables*, que moi qui avais un si libre accès partout, je me sois arrêté à quatre cartons seulement qui se trouvaient tout au commencement de cette immense série de six à sept mille cartons où devaient se conserver tant de richesses? Est-ce que, par hasard, les magistrats se seraient trompés ? Est-ce que cette immense collection aurait été mise au pillage et dispersée long temps avant mon arrivée en France ? Je livre cet humble doute, Monsieur le Président, à votre appréciation. Si l'on ne retrouvait pas à leur place tous les documents dont il vient d'être question je crois, qu'indépendamment de ce

(1) On a vu plus haut (p. 44, 45) que quelques-uns de ces documents sont écrits sur du papier assez épais pour pouvoir servir de *chemises*.

que j'ai dit plus haut je pourrais vous fournir encore quelques utiles renseignements.

Quoique je veuille traiter seulement aujourd'hui la question de *fait*, en réservant celle de *droit*, permettez-moi, Monsieur le Président, d'ajouter un mot sur la nécessité de vérifier sérieusement l'identité des pièces incriminées, et de s'assurer que ces pièces m'ont réellement appartenu. Je ne parle pas ici des pièces saisies irrégulièrement et sans inventaire, soit chez moi, soit dans les maisons où l'on a fait des saisies ; je parle des pièces qui ont été mises en vente et décrites dans des catalogues imprimés et que, comme on vient de le voir, l'Accusation dit avec assurance m'avoir appartenu. Je crois n'avoir jamais mis en vente aucun autographe qui ne fût décrit dans un catalogue contenant, en même temps, des pièces appartenant à d'autres personnes. Souvent les autographes décrits dans un seul catalogue, appartenaient à huit ou dix amateurs qui saisissaient l'occasion de ces ventes périodiques, pour se défaire de leurs doubles ou des pièces auxquelles ils attachaient le moins d'importance. Dans une autre occasion, je reprendrai ce point et je montrerai, par des exemples tout à fait inattendus, quelle était la singulière composition de ces catalogues. Tout ce que je puis dire aujourd'hui, c'est que moi, qui ai possédé beaucoup de pièces autographes mises en vente dans certains catalogues, j'ai fait à plusieurs reprises, depuis que je suis en Angleterre, de vains efforts auprès du commissaire-priseur et du libraire chargés de ces ventes, pour savoir d'une manière positive quelles étaient les pièces qui avaient pu m'appartenir. Dans une lettre que M. Picchioni, ancien professeur au Collège d'Eton en Angleterre, m'a fait l'honneur de m'écrire à ce sujet en date du 19 Février 1850, il me dit avoir appris de M. Laverdet, successeur de M. Charon (qui a rédigé les catalogues de la plupart de ces ventes) que les *experts* avaient travaillé longtemps sans jamais obtenir aucun résultat(1) ; et qu'ils n'avaient jamais pu parvenir à déterminer quelles étaient les pièces qui m'avaient réellement appartenu dans ces

(1) Voici que m'écrivait M. Picchioni, je traduis mot à mot de l'italien :

"Quant à M. Charon, il a une mauvaise santé. Il a dû se retirer à la campagne ; et ne peut donc en aucune manière coopérer à ce travail, à supposer que l'exécution en fût possible ; or, elle est impossible comme me l'a assuré positivement M. Laverdet. La commission des experts voulait faire un travail du même genre, mais après avoir

ventes. Cela étant, comme l'Acte d'Accusation parle à chaque instant de pièces que j'aurais mises en vente, qu'il désigne nominativement, je dois présumer que les experts, pour se tirer d'affaire, se sont bornés à m'attribuer la possession de toutes les pièces qui leur semblaient susceptibles d'être incriminées. Le procédé est commode, mais je ne le crois pas très conforme aux règles de la justice, surtout dans un pays où, comme on l'a vu dans tout ce qui précède et comme on le verra mieux encore dans de prochaines occasions, des masses énormes de papiers autographes provenant des établissements de l'Etat, ont été mis en circulation avant même que je vinsse m'établir en France.

Je n'en finirais pas si, dès aujourd'hui, je voulais signaler tous les motifs que me fournit l'Acte d'Accusation, de me défier des lumières comme de l'impartialité des hommes qui, soit à titre d'experts, soit à titre de magistrats, ont participé à la rédaction de ce document si singulier. Je m'abstiendrai de rappeler ici l'histoire facétieuse du *Catullus* à jamais fameux, qui était devenu le prétexte des plus graves accusations contre moi, uniquement parceque les experts avaient lu Dix à la place de Jean, sans que jamais aucun magistrat se soit avisé de vérifier l'inscription qui devait servir à m'accabler ; mais je vous demanderai la permission, Monsieur le Président, d'appeler votre attention sur un petit fait qui me semble prouver d'une manière assez satisfaisante qu'il ne faut pas s'en rapporter aveuglément aux assertions des experts ou des magistrats lorsqu'ils annoncent avoir *lu* quelque chose qui peut m'être défavorable.

Je trouve ce qui suit dans l'Acte d'Accusation, à propos de la collection formée par Peiresc et dont une partie se conserve à la bibliothèque de Carpentras :

" En 1841, ce recueil, formant 86 volumes, était en bon état ; c'est ce qu'atteste une note de Libri. Cette note se rencontre au milieu de beaucoup d'autres dans un cahier contenant des détails fort circonstanciés sur les manuscrits de Carpentras, et qui, par la date du 18 Janvier 1841, qu'on voit au feuillet 22 verso, paraît avoir servi à Libri lors de sa tournée de 1840-1841. Elle est ainsi conçue : " Il y a 86 volumes, *tous en bon état* si l'on en " excepte 2 ou 3, auxquels il manque *quelques feuillets*(1)."

fait quatre ou cinq *descentes*, même dans la maison de M. Laverdet, elle a dû y renoncer, du moins en ce qui concerne M. Laverdet et M. Charon, après avoir reconnu cette impossibilité. C'est là ce que m'a affirmé M. Laverdet."

(1) *Moniteur*, pag. 2695.

Ce passage à l'aide duquel les magistrats ont voulu que je me condamnasse moi-même, comme ayant reconnu en 1841 l'intégrité et la presque parfaite conservation des manuscrits de Peiresc, et comme devant par conséquent répondre de toutes les mutilations que ces manuscrits auraient pu subir; ce passage, dis-je, n'est pas écrit en latin comme la fameuse inscription du *Catullus*. Il ne contient pas d'abréviations; il est en français et l'on devrait présumer que des experts et des magistrats qui veulent porter atteinte à l'honneur d'un membre de l'Institut, à propos d'une question de bibliographie, sauraient lire au moins ce qui est écrit dans leur langue. L'ignorance seule a-t-elle guidé la main de l'homme qui a tracé ce paragraphe de l'Acte d'Accusation? Ne doit-on pas voir dans la manœuvre dont je vais donner la preuve, une marque éclatante de l'insigne mauvaise foi, du manque complet de loyauté des magistrats qui ont rédigé cette longue fable, décorée du nom pompeux d'Acte d'Accusation? Que signifie donc ce passage:

"Il y a 86 volumes, *tous en bon état*, si l'on en excepte 2 ou 3, auxquels il manque *quelques feuillets*."

Et comment les magistrats savent-ils qu'il s'agit là de Peiresc et de Carpentras? C'est parceque le nom de Peiresc se trouvait écrit de ma main à côté de ce même passage que j'avais tiré *mot à mot*, d'un ouvrage, imprimé il y a plus de cinquante ans, et dont je citais le volume et la page, que les magistrats ont pu comprendre qu'il s'agissait là de Peiresc. Y a-t-il de la droiture, y a-t-il de la bonne foi à attribuer à un accusé une assertion qu'il a tirée d'un livre qu'il cite, et dont il a pris note comme d'une chose extraordinaire et complètement en opposition avec ce qu'il a pu reconnaître de ses yeux? Assertion qui lui a semblé si étrange que, même dans une note écrite à la hâte, il a cru devoir protester implicitement contre les faits qu'elle contient en soulignant les mots *tous en bon état* et *quelques feuillets*, mots qu'il voulait relever. Pourquoi ne pas ajouter que ce passage était indiqué dans mon cahier comme étant extrait d'un article inséré par Saint-Véran, dans le tome II (pag. 504) de la troisième année (1797) du *Magazin Encyclopédique* de Millin? Voici le passage entier de Saint-Véran, qui contient mot à mot celui dont on a voulu me faire porter la responsabilité:

"Les manuscrits de Peiresc sont sans contredit ceux qui font le plus d'honneur à ce cabinet; il y en a 86 volumes, tous en

bon état, si l'on en excepte deux ou trois auxquels il manque quelques feuillets."

Si le cahier qui contient cette note, n'a pas subi quelque altération depuis qu'il est tombé entre des mains si loyales, on doit y trouver la citation de la page, du volume, et de l'ouvrage. On essaierait en vain d'excuser par la plus profonde ignorance une telle supercherie. Chacun est tenu de savoir lire ce qui est écrit dans sa propre langue, et les magistrats eux-mêmes ne sont pas dispensés de cette obligation. Ils sont tenus de plus de ne pas tronquer une citation, de ne pas commettre une véritable falsification pour opprimer un accusé(1). Si de tels faits passent inaperçus chez un peuple qui chante et qui rit, ils sont aperçus par l'Europe qui est attentive et qui ne rit pas.

Je m'étais proposé, Monsieur le Président, de compléter aujourd'hui cette réponse, et de réfuter les accusations ridicules qu'on a dirigées contre moi à propos de la Bibliothèque de l'Institut. Mais ma lettre est déjà si longue, que je me vois forcé de réserver cette seconde partie pour une autre occasion. Sans aller cependant plus loin, tout ce qui précède a dû vous prouver que si l'Acte d'Accusation est personnellement dirigé contre moi, les principes qu'il énonce et les considérants sur lesquels il s'appuie, sont de nature à porter atteinte aux noms les plus illustres dont se glorifie l'Institut. Il ne s'agit plus de moi, il ne s'agit plus d'un étranger, qu'avec des sentiments dignes de l'ancienne Tauride on a offert sans scrupule en sacrifice aux haines du *National* et de *l'Observatoire ;* il s'agit des noms de Cuvier, de Dolomieu, de Buache, d'Arbogast, de Le Breton, d'Huzard, et même de M. Monmerqué, Conseiller à la Cour Royale, sur lesquels certains magistrats s'efforcent de jeter la boue à pleines mains, en déclarant que tout possesseur d'objets provenant, ou paraissant provenir des archives des Académies est un VOLEUR ou un RECÉLEUR. C'est à vous, c'est à l'Institut tout entier qu'il appartient de repousser des doc-

(1) A propos de ce fameux *Catullus* de Montpellier dont on m'accusait d'avoir falsifié le titre (voyez ma *Lettre à M. Barthélemy Saint-Hilaire*, pag. VII), l'Acte d'Accusation dit : *la fraude ne pense pas à tout ;* cet axiôme est si vrai qu'en m'attribuant un passage qu'ils savaient parfaitement être tiré du *Magazin Encyclopédique* de Millin, certains magistrats avaient oublié qu'il existe des centaines d'exemplaires de l'ouvrage dans lequel ce passage a été publié il y a cinquante trois ans.

trines qui, en frappant l'Institut, porteraient une si grave atteinte à l'honneur national.

Quant à moi, il me semble que je deviens de moins en moins intéressé dans la question ; car si l'on a bien saisi la portée des faits exposés dans cette lettre, l'Acte d'Accusation et le jugement de contumace, en ce qui concerne les archives de l'Institut, peuvent se résumer de la manière suivante :

Considérant que depuis longues années, et particulièrement depuis l'année 1826, les papiers provenant des archives des académies ont paru dans beaucoup de ventes, et ont été mis en circulation, ou se sont trouvés entre les mains d'un grand nombre de personnes sans jamais exciter l'attention de l'autorité ;

Considérant que ces papiers, ayant figuré notamment dans les collections, ou dans les ventes Arbogast, Buache, Cuvier, Dolomieu, Huzard, Le Breton, et Monmerqué, on peut affirmer que c'est Libri seul qui a possédé de ces papiers, que c'est lui le premier, et le seul qui en ait mis en vente en 1839 ;

Considérant en outre que Libri fait connaître la provenance des pièces qu'il a pu posséder, tandis que les autres possesseurs de ces papiers, ou se taisent ou déclarent les avoir acquis sur le quai, chez les épiciers, ou même chez des bouquetières ;

La Cour faisant application des dispositions des articles 254 et 255 du code pénal :

Condamne Libri, Libri seul, a dix années de réclusion.

En attendant que la présente lettre donne lieu à un nouveau décret du Chef de la République Française, je vous prie, Monsieur le Président, d'agréer l'assurance de ma haute considération.

G. Libri.

# NOTES.

## NOTE I.

Voici la lettre que j'ai cru devoir écrire à M. l'Administrateur du Collège de France, dès que j'ai eu connaissance des décrets dont il est question plus haut, à la page 4.

" Londres, le 5 Septembre, 1850.

" Monsieur l'Administrateur,

" Deux décrets en date du 1er. de ce mois que je lis dans le *Moniteur*, me font craindre que vous n'ayez pas reçu une lettre imprimée que j'ai eu l'honneur de vous adresser il y a environ un mois, avec prière d'en donner connaissance à l'Assemblée des professeurs du Collège de France. Je m'empresse de vous adresser un autre exemplaire de la même lettre, en vous priant d'en donner communication à MM. les Professeurs, chacun desquels a dû en recevoir un exemplaire ; à moins que le paquet qui contenait ces brochures n'ait été saisi par le soin des gens intéressés à étouffer mes réclamations.

" En répondant immédiatement à la délibération par laquelle l'Assemblée des professeurs avait déclaré ne pas vouloir me considérer comme démissionnaire avant le 1er. Décembre prochain, et en faisant connaître dans une lettre imprimée(1) que par la naturalisation anglaise qui venait de m'être conférée j'étais devenu incapable d'occuper aucun emploi en France, j'avais eu surtout pour objet d'empêcher que le gouvernement ne saisit cette occasion pour porter atteinte aux privilèges du Collège de France. J'ai le regret de voir que mes efforts ont été sans résultat. Veuillez, Monsieur l'Administrateur, donner communication à l'Assemblée des professeurs de la présente lettre, dans laquelle ils trouveront l'expression sincère de mes regrets avec l'hommage de ma haute considération.

" J'ai l'honneur d'être, Monsieur l'Administrateur,

" Votre très humble serviteur,

" G. Libri."

(1) Cette lettre a été répandue dans toute l'Europe, et, du 11 au 20 Août, il en a été distribué dans Paris des centaines d'exemplaires, comme le prouvent beaucoup de lettres qui sont entre mes mains. Ma naturalisation était donc connue de tout le monde à Paris, lorsqu'on a rendu les décrets du 1er Septembre.

# NOTE II.

A la suite des divers exemples fournis par des catalogues ou des collections, en tête desquels se lisent des noms ayant appartenu à l'Institut, je crois pouvoir ajouter un exemple bien remarquable, tiré du catalogue, publié en 1840, par MM. De Bure, anciens libraires de la Bibliothèque Royale, qui ont été aussi pendant longues années, *libraires de l'Institut*. Par ce catalogue (qui contenait aussi le *Catullus*, que l'Acte d'Accusation me reprochait sérieusement d'avoir dérobé à la Bibliothèque de Montpellier) MM. De Bure ont mis en vente les livres rares, et les manuscrits qu'ils possédaient encore. Voici le description d'un recueil annoncé à la page 14 de ce catalogue, que je copie fidèlement :

"No. 22. Bourdelin (Claude) et Bourdelin son fils aîné (Claude), Recueil d'analyses chimiques et autres travaux, présentés ou lus à l'Académie des Sciences, dont ils étaient membres tous les deux 14 *vol. in-fol. et* 2 *vol. in-4 d. r.*

"Manuscrit sur papier. Les quatorze premiers volumes, dont les deux in-4 font partie, renferment les analyses faites par Bourdelin père, depuis le 8 mars 1667 jusques et y compris, le 2 septembre 1699. Il est mort le 15 octobre de cette année. Tout jusques au 5 décembre 1696 est de son écriture. Bourdelin le fils a écrit après cette date : *Suite des analyses de mon père qu'il n'avait point transcrites.* Et le reste, depuis la page 363 jusqu'à 384 du t. XIV est de son écriture. On trouve dans la Biographie universelle, t. V, page 362, que Bourdelin père *avait présenté à l'Académie près de deux mille analyses de toutes sortes de corps.* Ce sont ces analyses que contiennent ces manuscrits ; elles sont d'autant plus précieuses, qu'il n'a publié aucun ouvrage. Le t. XV aussi tout entier de l'écriture de Bourdelin père contient les mémoires des dépenses faites par lui pour le laboratoire de l'Académie des Sciences ; il commence au 6 mars 1667. Au 24 décembre 1693, on trouve sa signature autographe. Il finit à l'année 1698 par ces mots : M. de Fontenelle a payé le 28 janvier 1699.

"Le t. XVI tout entier de la main de Bourdelin fils est aussi très curieux. C'est un compte rendu détaillé de toutes les séances de l'Académie, depuis le 11 mars 1699 jusques au 20 décembre 1709. Il y a quelques dessins d'insectes, de machines, etc., dont il était question dans les séances. Il est mort le 20 avril, 1711.

"Parmi des papiers détachés qui se trouvent dans ces volumes, il y a trois reçus autographes, dont deux signés de Joseph Guichard Duverney, de l'Académie des Sciences et anatomiste. Voyez la Biographie, tome XII, page 422."

Voilà donc près de *deux mille analyses présentées à l'Académie des Sciences,* plus les mémoires des dépenses faites pendant trente et un ans au *Laboratoire de l'Académie des Sciences,* plus les *comptes rendus* des séances de l'Académie durant dix ans, le tout accompagné de beaucoup de papiers détachés, de quittances signées par des académiciens, etc. etc. Ce sont là véritablement de ces documents qui, suivant l'Acte d'Accusation, *ne peuvent entrer dans le commerce.* Pourtant ils ont été mis publiquement en vente, dans un catalogue imprimé il y a dix ans à Paris, par les anciens libraires de l'Institut, sans que personne ni au Palais de Justice ni à l'Institut, y trouvât à redire. Il ne s'agit pas ici d'une feuille isolée, qui aurait pu échapper à l'attention du parquet, il s'agit, sans compter le reste, de *deux mille analyses* présentées à l'Académie. La provenance de ces papiers *ne saurait être un instant douteuse :* elle est établie par le catalogue même de MM. De Bure. Pourtant personne n'a songé à parler de VOL ou de RECEL, à propos de cette vente. Je dois dire que j'ai fait l'acquisition de ces manuscrits de Bourdelin, qui m'ont été cédés par M. Techener. Il les tenait d'un amateur fort connu de Paris, qui ayant acheté en bloc les manuscrits français appartenant à MM. De Bure, en avait revendu immédiatement la plus grande partie. Les manuscrits de Bourdelin ont été cédés par moi à Lord Ashburnham, ainsi que tous les papiers qu'ils contenaient. Je n'ajouterai qu'un mot. Il y a à la Bibliothèque nationale même, de ces anciens papiers des Académies, qui n'ont jamais dû quitter (ce sont les magistrats qui l'affirment) les archives de l'Institut.

LONDRES:
Imprimé par Schulze et Cie., 13, Poland Street.

96-8
4

# LETTRE

# DE M. LIBRI

À

## M. BARTHÉLEMY SAINT-HILAIRE,

ADMINISTRATEUR DU COLLÈGE DE FRANCE.

LONDRES:
BARTHÈS ET LOWELL, GREAT MARLBOROUGH STREET.
1850.

LONDRES:
Imprimé par Schulze et Cie., 13, Poland Street.

# AVERTISSEMENT

La lettre qu'on va lire était prête à partir pour Paris lorsqu'un avocat français très distingué, M. C * * *, auquel j'avais annoncé cette publication, m'écrivit qu'enfin mes amis, par leurs efforts persévérants, avaient obtenu la promesse qu'on donnerait dans le *Moniteur* l'acte d'accusation dont on me refusait communication ; il ajoutait qu'il fallait à tout prix retarder l'apparition de ma brochure, si je ne voulais pas voir ajourner indéfiniment la publication de ce document, dont le parquet avait tant de répugnance à se dessaisir. Aujourd'hui, l'acte d'accusation a paru non seulement dans le *Moniteur Universel*, mais aussi dans la *Gazette des Tribunaux* et dans le *Droit*, journaux à chacun desquels M. le Procureur de la République en a délivré une copie(1). Nous avons donc heureusement *trois* expéditions authentiques, et qui constatent d'une manière irréfragable, en se confirmant mutuellement, les erreurs inconcevables que contient l'acte d'accusation.

Rien n'arrêtant plus aujourd'hui la publication de ma *Lettre à M. l'Administrateur du Collège de France*, je la mets en circulation en prenant toutes les précautions possibles pour que la distribution n'en soit pas arrêtée par les magistrats français. Je ne puis rien changer à une chose déjà imprimée ; mais je le pourrais que je ne le ferais pas. Je retrouve en effet dans l'acte d'accusation publié par le *Moniteur*, tous les passages auxquels je m'étais arrêté dans

(1) Voici ce que m'écrit en date d'avant hier (5 Août) une personne bien informée, en m'annonçant l'envoi de la *Gazette des Tribunaux* : "Vendredi le Procureur de la République a écrit à M. Paillard de Villeneuve, et à Monsieur Bertin du *Droit* de se rendre au parquet, et il leur a délivré à chacun une copie du susdit acte qu'ils ont inséré le même jour." (C'est-à-dire le Samedi 3). Quand le moment sera venu, je ferai connaître toutes les démarches qu'on a du faire pour obtenir que l'acte d'accusation parût dans les journaux. Ce n'était pas sans motif, on va le voir, que le parquet craignait de donner de la publicité à ce document.

les extraits donnés par le *Droit;* et je les trouve actuellement sous la forme officielle, avec des circonstances qui donnent encore plus de force et d'à propos à mes réponses. Ainsi la déclaration attribuée au jeune Abry dans le *Droit*, et au sujet de laquelle on pourra s'édifier en lisant les lettres que je donne plus loin (pag. 14—16), se trouve dans l'acte original d'une manière plus affirmative encore(1). Les 343 feuillets cités dans le *Droit*(2) comme ayant été découverts chez moi(3), sont cités par le *Moniteur* avec cette particularité digne d'attention, que sur ce nombre de feuillets incriminés, il n'y en a que 295 qui aient retrouvé leur place dans les recueils de Carpentras. Le *Moniteur* m'apprend aussi que ce fameux *Manuel* de M. Fontaine, où j'ai signalé de si inconcevables bévues(4), et dont un des experts, M. Lalanne, invoque l'autorité dans ses travaux, est devenu le texte infaillible sur lequel les magistrats se sont appuyés pour me frapper(5).

Enfin je trouve dans le *Moniteur* un long paragraphe qui complète les bruits recueillis par M. P. Lacroix(6), au sujet de la *Bibliothèque de l'Observatoire*, et des Manuscrits de De l'Isle, de Cassini, etc., etc., qui ont disparu de cet éta-

(1) Le *Droit* avait dit que le jeune Abry *aurait* déclaré à deux témoins, qu'il avait été employé pendant quinze jours ou trois semaines à gratter des cachets ou des estampilles. Le *Moniteur* s'exprime dans des termes beaucoup plus positifs. "Deux témoins (dit le journal officiel) rapportaient cette déclaration du jeune Abry : j'ai travaillé chez M. Libri avec deux autres personnes pendant quinze jours ou trois semaines à gratter et faire disparaître des cachets et timbres sur des livres. M. Libri voulait aussi s'en mêler ; mais il faisait des trous et nous étions obligés de les raccommoder." (*Moniteur*, du 5 Août, 1850, pag. 2691.)

(2) Lisez plus loin, pag. 16—17.

(3) Il est inutile, je crois, que je renouvelle ici une déclaration déjà faite cent fois : savoir, que je fais toujours mes réserves quant aux objets qu'on prétend avoir trouvés chez moi, lorsque toutes les saisies ont été opérées sans inventaire, sans aucune des formalités voulues par la loi, et que mon domicile a été continuellement violé par des gens qui n'avaient aucune qualité pour y pénétrer ; lorsqu'enfin des masses considérables de livres et de papiers sont sorties de mon appartement, ou ont été introduites chez moi sans aucune garantie. Les preuves de ces irrégularités abondent.

(4) Voyez aux pag. 20, 22, 29, 30.

(5) Je lis en effet ceci dans l'acte d'accusation, "Avant 1836 *l'autographe de Casaubon, dit le Manuel de l'amateur des autographes par Fontaine, bien que recherché n'avait pas passé dans les ventes.* C'est dans celle de Libri qu'on en voit pour la première fois." (*Moniteur Universel* du 3 Août, 1850, quatrième *Supplément*, p. 2695). Plus loin on reproduit la balourdise de M. Fontaine au sujet de Peiresc (*ibid*). Dans la lettre à M. l'Administrateur du Collège de France j'ai déjà cité, comme *specimen*, des ventes effectuées avant 1836, où se trouvaient des autographes de Casaubon (voyez plus loin, p. 20—22). Sans remonter trop haut, si les magistrats le désirent, je me ferai un véritable plaisir de leur fournir la liste des autographes de Casaubon, de Peiresc et de beaucoup d'autres savans, qui ont été mis en vente à partir de l'an 1720, et que, pour prouver ma culpabilité, l'acte d'accusation prétend que j'ai mis en circulation pour la première fois.

(6) Lisez plus loin, pag. 23.

blissement. L'extrait, qu' on lira plus loin (p. 31), du Catalogue de vente, publié en 1826, des livres de M. Buache, ancien membre de l'Institut et du Bureau des longitudes, et hydrographe en chef du Dépôt des cartes et plans de la Marine, Catalogue où se trouvent indiqués *Quatre-vingt-neuf cartons ou portefeuilles* remplis de ces mêmes manuscrits que, dans l'acte d'accusation, on m'accuse d'avoir derobés, est une *première réponse* à des accusations qui ont pris naissance dans un établissement dirigé par M. Arago.

Il s'est trouvé qu'en répondant sommairement à des faits qu'on rencontre dans les extraits donnés par le *Droit*, ou dans d'autres écrits antérieurs, j'avais touché (bien légèrement à la vérité, car j'aurai infiniment plus de choses à dire) quatre points principaux de la discussion: 1°. Le degré de confiance qu'il faut accorder aux témoignages allégués par l'accusation. 2°. L'explication naturelle de la présence chez moi des objets incriminés. 3°. L'appréciation critique de l'ouvrage de M. Fontaine qui, en fait d'autographes, a servi de base au jugement des experts (maintenant je puis ajouter, et à celui des magistrats). 4°. L'indication de la manière dont des masses d'autographes ont pu sortir de certains établissements publics.—Je pourrais ne rien ajouter aujourd'hui à cette première réponse, et travailler patiemment à rassembler tous les documents nécessaires pour détruire de fond en comble un acte d'accusation préparé pendant trente mois, et au moyen duquel on a su accumuler, dans vingt colonnes du *Moniteur*, plus d'erreurs qu'il n'en avait jamais été commis depuis qu'on s'occupe de bibliographie. Mais, si je me taisais absolument devant cet acte, mes ennemis ne manqueraient pas de dire que je suis écrasé; qu'en répondant à quelques extraits publiés par anticipation dans les journaux, j'ai procédé par ruse, et que je n'ai choisi dans ces fragments que les endroits faibles de l'accusation. Je les entends d'ici s'écrier: "C'est au *Moniteur* et non pas au *Droit* qu'il s'agit de répondre!" Et comme si l'on pouvait improviser une réponse détaillée à cet énorme *factum*, on exigerait probablement que deux jours après avoir reçu l'acte d'accusation, je donnasse une réfutation complète de ce document si prolixe. Je pourrais dire à mon tour, ce que disait l'année dernière un de mes ennemis à une personne qui s'étonnait de la longueur de l'instruction, "*Pazienza!*" et demander, pour la réponse que je dois préparer dans les conditions les plus défavorables, autant de temps qu'il en a fallu à mes ennemis, disposant de toutes les ressources du parquet, pour combiner leur attaque. Mais il serait vraiment peu courtois de faire attendre des gens qui m'envoient un cartel si loyal. Je montrerai donc, par un seul exemple, combien leur agression est

peu formidable, et, en attendant mieux, je prendrai dans l'acte d'accusation le point dans lequel le magistrat qui l'a rédigé a le plus clairement laissé voir une satisfaction triomphante, et, qu'on me passe le mot, une véritable forfanterie. C'est l'affaire relative au *Catullus*, que je suis accusé d'avoir dérobé à la Bibliothèque de Montpellier à l'aide de *stratagèmes audacieux* et de très fines *supercheries*. Cette affaire est exposée dans l'acte d'accusation avec un très grand détail. Le magistrat s'y est arrêté, il s'y est complu, c'est son chef-d'œuvre ; après l'avoir accompli, il s'écrie dans son triomphe :

DE TELS FAITS NE SE DISCUTENT PAS, ILS S'EXPOSENT.

Nous allons voir ce que va devenir ce laconique et foudroyant alinéa. Laissons d'abord parler l'accusation :

" Libri (c'est le *Moniteur* qui parle) a visité la bibliothèque de Montpellier à diverses reprises. . . . .Trois étiquettes cotées J. n. 188, J. n. 217, J. n. 221 et paraissant avoir été détachées de divers ouvrages, avaient été trouvées au domicile de Libri. Aussitôt qu'elles furent présentées aux employés de la bibliothèque, ils les reconnurent sans hésiter, ce qui était facile, car elles sont entourées de filets gravés, et le numéro du volume est écrit à la main. D'après le catalogue elles s'appliquent à trois ouvrages : 1° *Machiavel* (*Sic*) *dell' arte della guerra* ; 2° *Sallustii Conjuratio Catilinæ* ; 3° *Catullus*. Ces deux derniers ouvrages étaient à leur place sur les rayons, et le *Machiavel* à une place qui n'était pas la sienne. Mais ces volumes étaient en mauvais état ; et il suffit d'y jeter les yeux pour se convaincre qu'ils étaient étrangers à la bibliothèque, qu'on les avait mis là pour dissimuler une soustraction. . . . . .

" Le *Catullus* avait été saisi chez l'accusé. Lorsqu'on le présenta au bibliothécaire de Montpellier et à l'un de ses employés, ils firent tous les deux la remarque que la reliure n'était pas celle de l'exemplaire soustrait ; ils signalèrent en même temps le changement des gardes primitives, et au bas du frontispice, les traces d'une estampille grattée, dont la forme paraissait être celle du cachet de la bibliothèque. C'était bien le même format, on y voyait des annotations manuscrites de la même écriture que celles qui se trouvaient sur d'autres ouvrages de cet établissement, mais le titre annonçait une édition de Plaisance, et la bibliothèque avait perdu une édition de Venise. Tout s'est expliqué, et l'on a découvert une supercherie de plus. Les hommes de l'art ont constaté que l'exemplaire saisi n'avait plus sa reliure primitive, bien que Libri dans son catalogue eût affirmé le contraire. La reliure actuelle a appartenu à un autre livre. Trop étroite pour le volume qu'elle recouvre aujourd'hui, elle a exigé un habile remaniement. C'est suivant l'expression des experts, un *emboitage* dont le dos a été *retravaillé* ; ce qui résulte de l'altération qu'a soufferte le corps du volume, du défaut d'harmonie entre les filets, les fleurons du dos, les écussons et les ornemens des plats, enfin, de cette circonstance, que les ficelles du dos sont restées détachées de la couverture.

" Les constatations ne se sont pas arrêtées là : pour dissimuler les traces du grattage dont il a été parlé, on avait mis à la place ces mots, qui déroutaient les recherches et les souvenirs du bibliothécaire de Montpellier : BIBLIOTHECÆ S. 10. IN CASALIBUS PLACENTIÆ. Manuscrits ou appliqués avec de l'ancienne fonte, ces caractères jouent l'impression. Mais la fraude ne pense pas à tout ; tandis que le titre falsifié annonçait une édition de Plaisance, la dernière page révélait une édition de Venise. On y voyait en effet, que cet ouvrage avait été imprimé à Venise en 1515, chez les Alde, comme le volume de Montpellier.

" De tels faits ne se discutent pas, ils s'exposent.

" L'accusé, dans son mémoire, soutient que le Catulle lui a été cédé par ce même Italien, etc."

Comme tout ceci est fort diffus et passablement embrouillé, tâchons, avant de répondre et pour l'utilité du lecteur, de préciser et de résumer.

Je suis donc accusé de m'être emparé d'un exemplaire du Catulle d'Alde(1), édition de 1515, qui aurait existé à la Bibliothèque de Montpellier. J'aurais pris cet exemplaire pour le mettre dans une reliure qui aurait appartenu à un autre livre(2), comme le prouvent si bien les *experts*. Pour *dissimuler ce détournement*, j'aurais mis dans les rayons de la Bibliothèque de Montpellier un autre exemplaire du même ouvrage et de la même édition, à la place de celui que je volais. Naturellement l'exemplaire substitué devait être moins beau que celui que j'enlevais. Afin de cacher la fraude, j'aurais gratté l'estampille de la Bibliothèque de Montpellier et fait toutes sortes de changements, dans les gardes, et ailleurs(3). J'aurais, par une *supercherie de plus, falsifié le titre*, de manière à annoncer une édition de Plaisance, tandis que *la dernière page* et le Catalogue de la

(1) L'édition n'est pas indiquée dans le morceau qu'on vient de lire, mais à la fin de l'acte d'accusation, dans l'énumération des pièces qu'on prétend que j'ai dérobées, elle se trouve décrite en ces termes : Catullus, Tibullus, Propertius ; Alde, Venise, 1515, in-8.

(2) "La reliure actuelle a appartenu à un autre livre. Trop étroite pour le volume qu'elle recouvre aujourd'hui, elle a exigé un habile remaniement. C'est, suivant l'expression des experts un *emboîtage* dont le dos a été *retravaillé*, etc., etc." (*Moniteur*, page 2693.)

(3) "Ils signalèrent en même temps le changement des gardes primitives, et, au bas du frontispice, les traces d'une estampille grattée, dont la forme paraissait être celle du cachet de la Bibliothèque..... ce qui résulte de l'altération qu'a soufferte le corps du volume, du défaut d'harmonie entre les filets, les fleurons du dos les écussons et les ornemens des plats ; enfin, de cette circonstance que les ficelles du dos sont restées détachées de la couverture." (*Moniteur*, pag. 2693.)

Bibliothèque *révèlaient* une édition de Venise. Ce titre falsifié, on le donne ; le voici :

BIBLIOTHECÆ S. 10. IN CASALIBUS PLACENTIÆ.

Les preuves incontestables de ma culpabilité sont :

1°. Le *Catullus saisi chez moi.*

2°. Les étiquettes cotées J. etc., *trouvées à mon domicile,* et *reconnues* pour avoir appartenu à la Bibliothèque de Montpellier.

3°. *Les traces de l'estampille grattée, ainsi que les annotations manuscrites* que porte l'exemplaire *saisi chez moi,* et qui sont de la *méme écriture* que celles qui se *trouvaient sur d'autres ouvrages de cet établissement* (sic). 4°. La fameuse inscription

BIBLIOTHECÆ S. 10. IN CASALIBUS PLACENTIÆ,

en caractères *manuscrits ou imprimés*(1). 5°. Les efforts que j'aurais faits dans mon *Mémoire* pour donner le change sur l'origine de mon Catulle, que j'aurais dit m'avoir été *cédé par un Italien*(2). 6°. Enfin, et pardessus tout, LE RAPPORT DES EXPERTS dont on cite *les expressions,* et qui ont examiné avec une scrupuleuse attention, et constaté avec un soin particulier tous les faits.

On trouvera, je pense, que mon résumé est fidèle, et que je n'ai rien oublié dans l'énumération des charges qui doivent m'accabler. L'accusation après avoir pris le soin de les accumuler, a bien le droit de s'écrier :

DE TELS FAITS NE SE DISCUTENT PAS, ILS S'EXPOSENT.

Essayons pourtant, de notre côté, s'il n'y aurait pas moyen de discuter quelque peu.

Tout cet échafaudage repose sur la supposition que les experts savent lire ; or, je vais prouver QU'ILS NE SAVENT PAS LIRE.

En rencontrant sur mon exemplaire du *Catullus* l'inscription que rapporte l'acte d'accusation, et qu'ils ont lue de la manière suivante :

BIBLIOTHECÆ S. 10. IN CASALIBUS PLACENTIÆ,

les experts ont dû se tourmenter beaucoup pour trouver une interprétation quelconque à cette suite de mots, de lettres et de

(1) Il paraît que les experts n'ont pas su distinguer ces deux sortes de caractères, qui se reconnaissent en général sans difficulté.

(2) Cette charge est d'autant plus grave qu'on voit par un autre passage de l'acte d'accusation, que cet Italien *a quitté Paris pour se rendre à Milan.* (*Moniteur,* pag. 2693).

chiffres, dont le sens, il faut l'avouer, n'est pas très clair. Après de longs efforts, guidés par leurs lumières et dirigés par leur impartialité, ils ont été amenés à la traiter comme si c'était une de ces anciennes inscriptions à moitié rongées par le temps, et dans le déchiffrement desquelles les savants les plus consciencieux sont forcés parfois de se permettre quelques légères substitutions de lettres. Persuadés que tout ce qui se voyait sur mes livres devait avoir un sens mystérieux et criminel, ils ont supposé que j'avais *falsifié le titre*, et qu'à l'aide de cette inscription j'avais voulu faire croire que cette édition de Catulle, Tibulle, et Properce avait été imprimée à Plaisance, et non pas à Venise. En d'autres termes, ils lisaient l'inscription ainsi qu'il suit :

BIBLIOTHECÆ S. 10. IN CASALIBUS PLACENTIÆ,

et ils l'interprétaient de la manière suivante :

CATULLUS, TIBULLUS, PROPERTIUS, PLACENTIÆ.

Le tour n'est pas mauvais, et il fait grand honneur à l'esprit inventif des savants commissaires. Quelque mauvaise opinion que l'on ait de mon savoir en fait de latin, il me semble pourtant, que si j'avais voulu me mêler de faire un titre, j'aurais pu trouver mieux. Cette inscription, qui vue par des gens qui ne savaient pas lire a donné lieu à une si extravagante interprétation, sera lue de la manière suivante par tous ceux qui connaissent leur alphabet :

BIBLIOTHECÆ S. IO. IN CANALIBUS PLACENTIÆ(1).

Cette inscription n'est pas de moi ; elle est assez ancienne et n'a pas été placée là pour *falsifier le titre* ; c'est tout bonnement la marque indiquant que ce volume se trouvait autrefois dans la Bibliothèque de *San Giovanni in Canali* de Plaisance, couvent très ancien et très connu, qui appartenait à l'ordre des Frères Prêcheurs, et dont maints historiens ont parlé. De semblables marques se trouvent sur presque tous les livres qui sont sortis, en si grande quantité, des établissements religieux. Ce couvent de St. Jean *in Canali*, ou de St. Jean Baptiste, ne possédait pas seulement une bibliothèque choisie ; il avait aussi de riches archives, et des *Elèves de l'Ecole des Chartes* ne devraient pas ignorer qu'on a tiré de ces archives des chartes importantes, qui ont été publiées. Je n'en citerai qu'une seule, insérée par Campi(2)

(1) Il ne faut pas un grand effort d'imagination pour comprendre que cela signifie : *Bibliothecæ Sancti Ioannis in Canalibus Placentiæ*, c'est-à-dire *de la Bibliotheque de St. Jean in Canali, de Plaisance.*

(2) CAMPI. dell' Historia ecclesiastica di Piacenza. *Piacenza*, 1651—1662, 3 part. in-fol.

dans son histoire ecclésiastique de Plaisance (part. III, p. 286). A cet endroit on lit, dans l'ouvrage de Campi, cette note marginale :

IN ARCH. FRATRUM S. IO. IN CANALIB.

où l'on retrouve ce S. IO. IN CANALIB. qui a donné lieu à une interprétation si bouffonne dans l'acte d'accusation.

Je demande qu'on examine ce livre. Si cette inscription n'a pas subi quelque falsification depuis que j'ai quitté Paris, et si le volume n'a pas été placé sur le bureau de cet *employé du parquet* d'où *a disparu sans qu'on en ait trouvé trace*(1), le Cortigiano de Grolier, porté à 519 francs à ma vente, je suis convaincu qu'il sautera aux yeux de tous ceux qui verront la fameuse inscription, que cette grave accusation a pour unique fondement l'ignorance des experts, qui ont lu DIX là où il fallait lire JEAN(2). Pour

(1) Voici ce qu'on lit dans l'acte d'accusation, à propos de ce livre précieux, acheté par M. Tilliard libraire, et saisi à Lyon entre les mains de l'amateur qui l'avait commissionné : " Il fut donc saisi entre les mains de l'acquéreur ; mais cet ouvrage, placé sous triple cachet par le Juge d'Instruction de Lyon, parvint sur le bureau d'un des employés du parquet et disparut sans qu'on en ait trouvé trace" (*Moniteur*, pag. 2693.) On conviendra que ce fait doit bien peu me rassurer sur le sort de mes collections, saisies en bloc, sans inventaire et avec l'irrégularité que tout le monde connaît.

(2) Que les experts ne sachent pas lire, cela résulte de vingt passages de l'acte d'accusation. Par exemple, là où, parmi tant d'autres fables, on m'accuse d'avoir gagné 900 francs sur le prix des autographes qui avaient été dérobés aux archives de Florence, et que j'ai rachetés à Paris, par acte notarié, pour les renvoyer en Italie et les offrir en pur don au gouvernement Toscan (calomnie que je pourrais détruire dès aujourd'hui à l'aide des documents qui sont entre mes mains), je lis ce qui suit : *Ces autographes avaient été vendus au Sieur Charron par un italien qui connaissait intimement Libri et le tutoyait dans sa correspondance* (*Moniteur*, pag. 2697). J'avoue que ce passage m'a fort intrigué, et que je ne savais pas à quoi attribuer une erreur qui n'avait pas l'ombre de fondement. Car, non-seulement, la personne à laquelle on fait allusion ici ne me tutoyait pas dans ses lettres, mais elle ne m'a jamais écrit, et je ne me souviens même pas de l'avoir jamais vue. Voici, sans doute, la cause de cet étrange quiproquo. A mon grand regret, je suis forcé de donner ici des noms propres pour me faire comprendre. Le bruit a couru dans Paris qu'un des recueils d'autographes, qui étaient sortis des Archives de Florence et dont M. Charron avait fait l'acquisition (il en a acheté plusieurs et à différentes époques), aurait été apporté en France par un certain M. TRUCCHI avec lequel, je le répète, je n'ai jamais eu aucun relation. Les experts ont dû trouver chez moi un assez grand nombre de lettres qui m'ont été écrites par mon excellent ami le Baron TRECHI, l'un des hommes les plus distingués de Milan, l'ami de Manzoni, de Confalonieri, et de tous les hommes marquans de l'Italie, qui a résidé long-temps en France et en Angleterre, et qui est très répandu dans la haute société de Londres et de Paris. M. Trechi est du très petit nombre de personnes qui me tutoyaient dans leurs lettres. J'ajouterai qu'il me tutoie encore comme le prouve une lettre très récente

exprimer que quelqu'un a commis une grossière bévue, un proverbe Italien dit, *ha preso un fischio per un Santo Antonio*, c'est comme qui dirait *prendre des vessies pour des lanternes* ; j'espère que désormais on dira *il a pris un Saint Jean pour un dix* !

Actuellement on peut parcourir avec rapidité les autres charges qui prouvent que j'ai dérobé le *Catullus* à la Bibliothèque de Montpellier.

Ce volume, dit l'accusation, *avait été saisi chez l'accusé*. C'est là une première inexactitude. Les magistrats qui ont tout fait saisir en bloc, sans inventaire, sans aucune des formalités voulues par la loi, ne savent ni ce qu'ils ont saisi chez moi, ni ce qu'ils ont trouvé chez les nombreuses personnes chez lesquelles ils ont fait des descentes. Je prouverai quand ils le voudront, qu'ils ne savent même pas ce qui m'appartient, et ce qui ne m'appartient pas dans les objets saisis. Le *Catullus* incriminé a été saisi chez M. Franck, libraire, Rue Richelieu, No. 69, qui l'avait décrit, sous le Numéro 199, dans son Catalogue(1) publié en 1848. Comme le dit aussi l'acte d'accusation, ce volume a été décrit sous le Numéro 316 dans mon Catalogue de 1847 ; et j'avais si peu l'intention d'annoncer une édition de Plaisance(2), à l'aide

et très amicale que, sans s'arrêter aux calomnies répandues contre moi, il m'a écrite ces jours derniers. Il n'est pas nécessaire d'avoir été à l'Ecole des Chartes pour ne pas confondre TRECHI avec TRUCCHI ; mais comme il convenait aux experts et aux magistrats de me rendre suspect sur tous les points, on s'est prévalu de ce *qu'on ne savait pas lire* pour donner place à une calomnie de plus dans l'acte d'accusation. J'espère que mon spirituel ami qui vient d'arriver à Milan, lira ceci, et qu'il rira beaucoup de se voir transformé en un colporteur d'autographes.

Les experts ne savent donc pas lire, cela est acquis aux débats ; ils ne savent pas mieux compter. On voit par l'acte d'accusation qu'à leur avis un fragment qui commencerait au feuillet 81 d'un recueil, et se continuerait sans interruption jusqu'au feuillet 110 inclusivement, devrait se composer de *vingt-neuf* feuillets (*Moniteur*, pag. 2692).

(1) Voici quelle est la description de ce volume dans le Catalogue de M. Franck :

" CATULLUS, TIBULLUS, PROPERTIUS, *Venetiis*, Aldus, 1515, in-8. mar. à compart. dent. tr. d. *Anc. rel.* (199) . . . . . 100.

" Très bel exemplaire dans sa première reliure du XVI^e^ siècle, faite à l'imitation de celles de Grolier, et parfaitement conservée. Sur chaque plat il y un écusson, l'un desquels porte cette légende : " *Apollonii Philareti.*"

(2) A l'endroit où il parle de cette inscription dans laquelle on a pris un *St. Jean* pour un *Dix* l'acte d'accusation s'exprime ainsi : " Mais la fraude ne pense pas à tout : tandis que le titre falsifié annonçait une édition de Plaisance, la dernière page révèlait une édition de Venise. On y voyait, en effet, que cet ouvrage avait été imprimé à Venise en 1515, chez les Alde, comme le volume de Montpellier." (*Moniteur*, pag. 2693.)—Notons, pour l'exactitude seulement, ce qu'aucun bibliographe n'ignore, savoir, *que ce n'est pas la dernière page qui révèle* (belle révélation d'une chose annoncée déjà dans mon Catalogue comme dans celui de M. Franck !) une édition de Venise.

de cette inscription dont il a été si souvent question, que dans ce même Catalogue(1), je disais que c'était une édition de Venise publiée par les Alde en 1515. Malgré *l'expression des experts, et le défaut d'harmonie entre les filets, les fleurons du dos, les écussons,* etc. dont parle l'acte d'accusation, qui se montre si savant en fait d'anciennes reliures, il n'y a pas eu *d'emboîtage,* et le volume a conservé la reliure qu'il avait lorsque j'en ai fait l'acquisition. Comme il y avait des piqûres dans les gardes, il a été remis à M. Duru, relieur bien connu des amateurs, qui a changé les gardes, sans nullement le remboîter. Le compte où M. Duru avait marqué le prix de cette restauration est resté à Paris ; il doit être entre les mains des magistrats. Au reste, M. Duru qui est un homme fort estimable, donnera, si on lui représente le volume, tous les renseignements nécessaires.

L'acte d'accusation, qui ne peut jamais dire les choses comme elles sont, termine en ajoutant ceci : *L'accusé dans son mémoire, soutient que le Catulle lui a été cédé par ce même Italien,* etc.

J'aurais pu commencer par répondre à ces derniers mots pour faire écrouler toute cette accusation, mais j'avoue que je n'ai pas su résister à la tentation de montrer, par ce qui précède, les connaissances des experts et l'impartialité des magistrats. *Je n'ai pas dit* que l'exemplaire incriminé du Catulle m'eût été cédé par un Italien, et *je ne pouvais pas le dire,* car je ne savais pas quel était l'exemplaire qui avait excité les soupçons. L'hiver dernier, au sortir d'une maladie mortelle, ayant appris par un moyen que je ferai connaître si les magistrats le désirent, les titres de certains livres sur lesquels se portaient les investigations, mais les titres seuls, souvent estropiés, et toujours sans l'indication de l'édition, ni même du format, je rédigeai à la hâte quelques notes sur la demande pressante de mes amis, et malgré ma répugnance à présenter un travail qui ne pouvait être nécessairement qu'incomplet. Ces notes ont été remises à la Chambre des Mises en Accusation par M. H. Celliez, avocat à Paris, qui, si je suis bien informé, en a gardé copie, et qui les a montrées à différentes personnes. Voici ce qu'elles portent à propos du Catulle, qui m'avait été signalé en bloc avec d'autres ouvrages :

" Il est très difficile de répondre à des questions faites d'une manière si générique, lorsque tout le monde sait qu'il existe des centaines d'éditions de ces divers ouvrages. Je me bornerai

(1) Voici comment ce volume est décrit dans mon Catalogue de 1847.

" 316. Catullus, Tibullus, Propertius, *Venetiis, Aldus,* 1515, in-8. mar. à compart. dent. tr. d."

" Très bel exemplaire dans sa première reliure du XVI^e^ siècle, faite à l'imitation de celles de Grolier, et parfaitement conservée ; sur chaque plat il y a un écusson, l'un desquels porte cette légende : *Apollonii Philareti.*

à dire que si l'on demande des explications sur les deux exemplaires de Catulle qui se trouvent (tous les deux de la même édition et d'ancienne reliure) indiqués aux Nos. 315 et 316 de mon Catalogue de 1847, j'ai acheté l'un des deux chez MM. Payne et Foss, et que l'autre m'a été vendu par M. ——(1)."

Comme on le voit, l'acte d'accusation *n'a pas dit la vérité* lorsqu'il a prétendu que *je soutenais* que ce Catulle m'avait été cédé *par un Italien*. J'ai dit au contraire : les deux exemplaires du Catulle m'ont été vendus, l'un par MM. Payne et Foss, l'autre par un Italien ; dites-moi quel est celui sur lequel vous avez des doutes, et je préciserai davantage. L'accusation, qui me prête toujours les combinaisons les plus diaboliques, s'est imaginée que l'exemplaire incriminé était nécessairement celui au sujet duquel je devais avoir le moins de facilité à fournir des éclaircissements. Comme tous ceux qui pensent à mal, mes ennemis se sont trompés uniquement parceque je leur ai dit la vérité.

Nous arrivons au dénouement. Ce livre m'a été vendu par MM. Payne et Foss, comme cela résulte de leurs registres et de leur Catalogue, comme cela résulte aussi de la déclaration originale qui est entre mes mains, et que je reproduis en note avec la traduction française(2). Ce *Catullus* était *un très bel exemplaire* quand je l'achetai, et il n'était pas nécessaire par conséquent que j'allasse dérober un exemplaire à la Bibliothèque de Montpellier, pour faire un emboîtage imaginaire ; il se trouve décrit dans la septième partie, publiée en 1840, du Catalogue de MM. de Bure (p. 71, n° 22). On voit par cette

(1) Ici il y avait le nom de la personne qui m'a vendu l'un des deux Catulle ; il a plu à l'accusation de croire que c'était pour sortir d'embarras que je citais ce bibliographe connu et estimé. Maintenant que je sais, que c'est l'exemplaire du Numéro 316 qui a donné lieu à de si belles découvertes de la part des experts, je puis dire que ce n'est pas celui-là que ce bibliographe *dont j'ai le reçu* m'a cédé.

(2) Monsieur Libri purchased from us on Oct. 21, 1846, from our Catal. of Greek and Latin Books (of 1845), No. 613, Catullus, Tibullus et Propertius, beautiful copy in old morocco, gilt on the sides with strings (priced) £2 12*s*. 6*d*. 12mo. Venet. Aldus, 1515.

(This book was included in a purchase made by us from Messrs. De Bure.)

For Payne and Self,
HENRY FOSS.

M. Libri a acheté chez nous le 21 Octobre 1846, sur notre Catalogue de Livres grecs et latins de 1845, le No. 613, Catullus Tibullus et Propertius, très bel exemplaire, en maroquin ancien, à compartimens, avec des rubans ; prix £2 12*s*. 6*d*. in-12. Venet. Aldus. 1515.

(Ce volume était compris dans une acquisition que nous avons faite chez Messieurs De Bure.)

Pour Payne et pour moi,
HENRY FOSS.

Ainsi que l'annonce ici M. Foss, ce Catullus porte, sur le Catalogue de 1845, la description reproduite dans la déclaration.

description(1) que cet exemplaire, d'ancienne reliure et portant sur l'un des plats cette legende *Apollonii Philareti*, est exactement celui qui se trouve décrit dans mon Catalogue, ainsi que dans celui de M. Franck, avec la même indication, *Apollonii Philareti*, et que j'avais acheté de MM. Payne et Foss, qui l'avaient eu de MM. De Bure à Paris.

Me sera-t-il permis de demander très-humblement à M. le Procureur-Général de Royer, qui a signé l'acte d'accusation, si après avoir lu ce qui précède, il est encore convaincu que :

DE TELS FAITS NE SE DISCUTENT PAS, ILS S'EXPOSENT.

Et ne pense-t-il pas qu'il y a un grave danger pour la magistrature à adopter ce principe, qu'on peut accepter les charges sans les discuter, et qu'on peut s'en référer aveuglement à des experts qui manquent à la fois de savoir et d'impartialité(2). C'est la passion qui procède ainsi ; ce n'est pas la justice. Depuis le commencement, on a cédé à des préventions et à des entraînements, qui ont porté certains magistrats à méconnaître tous les droits de l'accusé. C'est là ce qui a provoqué un blâme si universel dans toute l'Europe, qui a cru voir que j'étais condamné d'avance par toutes les mesures d'exception qui ont été prises contre moi. C'est sur ce point, qu'on le sache bien, que se portera désormais le débat. Je pourrai reprendre la discussion, et montrer deux fois, dix fois, cent fois, que les experts se sont trompés à chaque instant, qu'ils ne connaissent pas les livres, qu'ils ne savent ni lire, ni compter. Mais ce n'est

(1) Voici la description de ce volume donnée dans le Catalogue de MM. De Bure :

" 22.—Iidem. (Catullus, Tibullus et Propertius), *Venetiis, Aldus*, 1515, in-8vo. *m. cit. à compart. avec des rubans. anc. rel.* 40 fr.

" On voit sur le plat, d'un côté, un emblême avec la devise Este procul; et de l'autre Apollonii Philareti."

Je crois avoir donné suffisamment l'historique de ce livre pour ne pas être obligé d'entrer dans d'autres développements. Je n'ajouterai plus qu'un mot : Ce Catullus qui m'aurait inspiré *des manœuvres, des supercheries, des fraudes* si multipliées, si astucieuses, m'avait couté (on vient de le voir), deux livres sterling, douze schellings et six pence, (un peu plus de 65 francs) chez MM. Payne et Foss, et s'est vendu 55 francs à ma vente.

(2) Puis-je faire remarquer qu'aujourd'hui, en repoussant l'accusation relative au *Catullus* de Montpellier, je n'ai pas cru devoir recourir à cette assertion qui se trouve dans le *Rapport* de M. Boucly : *M. le Procureur du Roi.... de Montpellier m'assura qu'il ne manquait aucun livre ou manuscrit dans les deux bibliothèques de cette ville.* Il serait pourtant utile, en présence de magistrats qui disent une fois *oui* et une fois *non*, de savoir quelle est la *vraie* vérité.

Puis je aussi demander ce que les magistrats vont faire de la fameuse etiquette J. etc. du *Catullus*, qui s'est trouvée si miraculeusement dans une masse de papiers saisis sans inventaire ? Que deviendront maintenant l'estampille grattée, les ficelles détachées, etc. etc. ?

pas là ce qui attirera l'attention des esprits sérieux. On dira aux magistrats que ce sont eux qui ont accepté ces experts, et qu'ils les ont gardés lorsque mille voix leur criaient qu'ils se laissaient égarer. Maintenant tout le monde comprendra la vérité de ce mot du secrétaire de la Société Astronomique de Londres, qui disait que j'aurais été FOU si j'étais resté dans un pays où de telles instructions judiciaires peuvent avoir lieu. L'acte d'accusation dit que toutes les charges *présentent les mêmes circonstances, les mêmes moyens, les mêmes résultats.* En détruisant si facilement cet énorme échafaudage dressé contre moi à propos du *Catullus*, je crois pouvoir annoncer que toutes les autres charges de l'instruction qui *présentent les mêmes circonstances, les mêmes moyens, les mêmes résultats* s'évanouiront avec une égale facilité. Mais les charges qui pèseront sur les magistrats auxquels a été confiée cette instruction, ne s'évanouiront pas si rapidement. Il y a deux siècles que deux condamnations célèbres ont eu lieu, l'une en France, l'autre en Italie. Les corps qui les prononçaient étaient puissants, ils considérés comme infaillibles ; la société était alors calme, le principe de l'autorité semblait solidement établi partout, et pourtant il n'a pas fallu de longues années pour relever ceux qu'on avait voulu abattre, et pour faire expier à ces deux corps redoutables l'abus de pouvoir qu'ils avaient commis. *La question de fait s'est terminée,* disait Pascal, ce *dont je ne me mets guéres en peine.* Qu'il me soit permis de dire à mon tour : *c'est la question de droit qui commence.* Vainement j'ai demandé aux magistrats de choisir des experts doués de plus de savoir et d'impartialité; je desirais uniquement qu'ils sussent lire, et qu'ils ne voulussent pas me faire pendre ; était-ce là une prétention exagérée ? A toutes mes réclamations, à toutes mes instances on a répondu par des actes de plus en plus violens. Comme s'il se fût agi des *cinq propositions,* on n'a voulu rien examiner ; ni les livres, ni les autographes, ni les documents nombreux que j'ai offert vainement de soumettre au jugement des magistrats(1), et l'on a repoussé dédaigneusement toutes les démarches, qu'appuyé par les hommes les plus considérables, j'ai faites pour obtenir un supplément d'instruction.

A tous les raisonnements, à tous les témoignages, à tous les faits, à toutes les preuves, certains magistrats n'ont eu qu'une seule réponse *Libri est un voleur* ; c'est comme cela que s'ad-

(1) Je citerai seulement à cet égard une longue lettre, en date du 11 Novembre 1849, que M. Mérimée, membre de l'Institut, a eu la bonté de remettre l'année dernière de ma part à M. le Procureur de la République, et dans laquelle je demandais à ce magistrat de recevoir et d'examiner trois caisses remplies de livres et de documents de toute nature, qui devaient servir à ma justification. Ma demande n'a pas été accueillie, et j'ai du faire revenir les caisses à Londres.

ministre aujourd'hui la justice dans la patrie de Fermat et de Montesquieu!

Le combat est engagé, et je ne reculerai pas ; je n'en crains pas le résultat. Je ne ferai qu'opposer constamment la vérité au mensonge, et je remercie d'avance les amis qui m'aideront dans mes efforts.

Londres, le 7 Août 1850.

## *Lettre de M. Libri à Monsieur l'Administrateur du Collège de France.*

Londres, le 25 Juillet, 1850.

Monsieur l'Administrateur,

J'ai reçu le 13 de ce mois, par l'entremise de l'ambassade de France à Londres, la lettre(1) en date du 6 courant, que vous m'avez fait l'honneur de m'adresser, et dans laquelle vous m'annoncez que, sur l'invitation de M. le Ministre de l'Instruction Publique, l'Assemblée des professeurs du Collège de France s'est réunie extraordinairement le 6 Juillet, et a pris à l'unanimité cette résolution :

" L'Assemblée des professeurs charge M. l'Administrateur d'écrire à M. Libri, que si le 1er Décembre prochain, il n'est pas venu purger le jugement de contumace prononcé contre lui le 22 Juin dernier, le Collège de France devra le considérer comme démissionnaire, et provoquer son remplacement."

Permettez-moi d'abord, Monsieur, de vous prier de vouloir bien offrir mes vifs remercîments à mes savans confrères pour cette décision, par laquelle ils ont implicitement protesté contre la sentence, qui m'a condamné par contumace à dix ans de réclusion, sans que je fusse même ni assigné, ni appelé à comparaître, comme le veut la loi, sans qu'aucun de mes conseils, ou de mes amis fût nullement informé qu'un jugement allait être rendu(2). En effet, si les cir-

(1) Les quelques jours qui se sont écoulés entre la réception de cette lettre et ma réponse, ont été employés par moi à me procurer des documens et des informations qui m'étaient nécessaires. (Voyez plus loin aux pag. 14—16, etc.)

(2) J'ai entre les mains tous les documents propres à établir la parfaite exactitude de ce que j'avance ici. Ceux qui voudraient s'assurer de la vérité d'un fait si extraordinaire et si peu croyable, pourraient s'adresser à Paris, à M. Turquet, notaire, Rue d'Antin, No. 9; à M. H. Celliez, avocat, Rue de Verneuil, No. 5; et à M. Ed. Lacroix, avoué, Rue Ste. Anne, No. 51 bis.

constances qui ont précédé et accompagné cette sentence n'avaient pas semblé aux professeurs du Collège de France de nature à enlever à ce jugement son autorité, on ne s'expliquerait pas qu'en présence de l'article 28 du Code pénal, qui déclare atteint de la dégradation civique tout individu condamné, même par contumace, à la peine de la réclusion, cette Assemblée pût ne pas considérer comme démissionnaire *ipso facto* un homme qui, d'après un jugement, est devenu incapable de remplir aucune fonction publique(1). Cette délibération prise par des hommes sérieux, et contrairement au vœu du ministre, a une signification qui n'échappera à personne, et l'Assemblée des professeurs a mérité par un tel vote les sentiments de sincère reconnaissance, dont je vous prie, Monsieur l'Administrateur, de lui offrir de ma part l'hommage.

Dans des circonstances ordinaires, et si tout s'était passé régulièrement, non seulement je m'empresserais d'aller purger le jugement de contumace porté contre moi, mais je puis ajouter qu'il n'y aurait jamais eu ni jugement, ni procès. Or, puisque d'après le vote même du Collège de France, il est établi que la position dans laquelle on m'a placé doit être considérée comme tout à fait exceptionnelle, il me semble nécessaire d'examiner attentivement les circonstances qui ont amené cet état irrégulier, avant de déterminer le temps qui devra s'écouler pour qu'on puisse raisonnablement espérer d'y voir mettre un terme. Que signifie en effet la délibération du Collège de France? Elle dit, que quoique la sentence de contumace m'ait déclaré incapable d'occuper aucun emploi, l'Assemblée des professeurs, qui ne me considère pas comme démissionnaire, n'accepte pas cette incapacité, et refuse de se soumettre à cette sentence. Et pourquoi une Assemblée si grave, si éclairée, qui compte dans son sein des jurisconsultes si éminents, a-t-elle refusé de se soumettre ainsi à la loi, et de me juger d'après le droit commun? C'est parcequ'elle a été avertie par le cri public que dans l'instruction dirigée contre moi, j'avais été dès le commencement placé en dehors du droit commun; c'est parcequ'elle savait, par une multitude de faits irréfragables, que dans tout le cours de cette procédure, commencée

(1) "La dégradation civique consiste: 1°. Dans la destitution et l'exclusion des condamnés de toute fonction, office, ou emploi public, etc." *Code Pénal*, § 34.

le lendemain d'une révolution, les lois avaient été violées à mon détriment, que cette Assemblée sans discuter le fond de la question, a refusé de se soumettre à l'application de ces mêmes lois, dont certains magistrats, par des infractions répétées, avaient affaibli déjà l'autorité. C'est là du reste ce qui avait eu lieu déjà dans toutes les parties de l'Europe. Lorsqu'en Angleterre le savant bibliothécaire du *British Museum*, et le secrétaire de la Société Astronomique de Londres, prenaient si hardiment ma défense avec le concours d'autres hommes non moins compétents, non moins considérables(1) ; lorsque les savants les plus éminents de l'Allemagne, ayant à leur tête l'illustre secrétaire(2) perpétuel de l'Académie de Berlin, protestaient publiquement contre la persécution dont je suis l'objet ; lorsqu'enfin les Professeurs de la Faculté de Droit de l'Université de Pise, s'associant au vote des plus illustres jurisconsultes de la Toscane(3), repoussaient énergiquement les accusations dirigées contre moi, ils n'étaient pas mus seulement par la connaissance qu'ils avaient de la matière et par l'étrangeté de l'accusation, ils étaient surtout dirigés par ce sentiment naturel aux esprits élevés, qui les porte à venir au secours des victimes d'une oppression manifeste. Ils voyaient en effet un homme qui, sous un gouvernement libéral et régulier, avait reçu en France une noble hospitalité, accusé et diffamé dans le *Moniteur Universel* le lendemain du jour où, par l'effet d'une révolution, ses ennemis s'étaient emparés de la dictature ; et ils avaient vu ce même homme, privé illégalement avant tout jugement des fonctions qu'il occupait, son nom disparaissant des programmes des cours dont il était chargé. Ils l'avaient vu d'abord, en butte aux attaques journalières de toute la presse

(1) Voyez *Lettre à M. de Falloux*, pag. 81, 91, etc.—*Athenæum*, 27 Mai, 1848.

(2) Voyez la *Gazette privilégiée de Berlin*, du 11 Juin 1848 ; le *Gelehrte Anzeigen de Göttingue*, du 7 et 10 Août 1848 ; le *Journal de M. Brockhaus*, de Leipzig, du 28 Juillet 1848 ; le *Magazin de littérature étrangère de Berlin*, du 15 Juin 1848 ; le *Literarische Zeitung*, du 29 Juin 1849 ; le *Serapeum*, du 15 Juillet 1848 : la *Feuille littéraire de Hambourg*, du 29 Juillet 1848, etc. etc.

(3) Lisez ce vote tout récent à la suite du savant *Mémoire de M. le Sénateur Lamporecchi, Conseiller d'État et Président de l'Ordre des Avocats Toscans*, etc. Londres, 1850. in-8, seconde édition.

française, ne pouvant pas obtenir qu'on insérât une seule rectification, et ils avaient vu la joie de ceux qui s'écriaient que *ce n'était qu'un Italien de moins*(1).—Mon domicile envahi et mis régulièrement au pillage(2) sous la protection tacite de certains magistrats qui, malgré mes réclamations et celles de mes amis, s'étaient refusés à prendre aucune des mesures de précaution que les lois prescrivent(3) dans l'intérêt de la justice, comme dans celui de l'accusé; mes papiers, mes collections, ma fortune, mon honneur, mis sans aucune garantie à la merci d'une commission d'experts choisis à dessein parcequ'ils m'avaient déjà calomnié, et qui dans leur impartialité s'écriaient *qu'ils voulaient me faire pendre*(4); les dépositions qui m'étaient favorables repoussées(5); l'intimidation répandue partout(6); enfin des témoignages évidemment falsifiés(7), voilà quels sont les titres qu'on m'a faits en France à l'intérêt et à l'appui de tous ceux qui n'ont pas reconnu dans ces mesures violentes, dans tout cet éclat fait contre moi, la main sage et impartiale de la véritable justice; et qui savent que toutes les grandes erreurs judiciaires ont été accompagnées de graves irrégularités dans la procédure. Ce sont là, sans doute, les motifs qui ont déterminé les Professeurs du Collège de France à repousser l'incapacité prononcée par la sentence de contumace, et à ne pas considérer comme sérieuse cette flétrissure qu'on avait voulu m'infliger.

(1) Voyez le *National* du 22 Mars, 1822.

(2) Voyez les documents publiés dans ma *Lettre à M. de Falloux*, pp. 24, 25, 108, etc.

(3) Voyez le *Mémoire de M. Lamporecchi*, pp. 17—23, 60—65.

(4) Lisez le document publié dans la *Lettre à M. de Falloux*, pp. 5—6.

(5) Il résulte de divers documens qui ont été publiés que M. le Juge d'Instruction n'a pas voulu recevoir les dépositions de MM. Jubinal, P. Lacroix, Paulin, parcequ'elles m'étaient favorables (Voyez *Lettre à M. de Falloux*, p. 112; *Jubinal, Lettre à M. P. Lacroix*, pp. 13, 14; *Lacroix, Lettres à M. Hatton*, pp. 5, 6). D'autres pièces, qui paraîtront en temps et lieu, prouvent qu'il y a eu des irrégularités encore plus graves en ce qui concerne l'audition des témoins. Lisez du reste à cet égard les documens que je publie plus loin, page 14—16.

(6) Voyez les Lettres de M. Durand et de M. Picchioni dans la *Lettre à M. de Falloux*, pag. 21, 22 et 114.

(7) Voyez plus loin, pag. 12—16.

Quelque soit mon désir de voir les magistrats français reconnaître l'erreur dans laquelle ils ont été entraînés par mes ennemis, on comprendra que la marche de l'instruction dont j'ai été l'objet n'est pas propre à m'inspirer une grande confiance. Chacun voit que ce serait folie d'affronter les préventions si légèrement conçues contre moi, avant d'avoir acquis la certitude que les irrégularités funestes dont je suis la victime ne pourront plus se renouveler, et que je ne serai pas privé, par exemple, des pièces à décharge qui sont encore entre mes mains, comme j'ai été privé illégalement et sans aucune formalité de tous les documens(1) qui existaient chez moi lorsque j'ai quitté la France. Je n'avais besoin que personne me suggerât l'idée de me rendre à Paris pour répondre à mes calomniateurs. A plusieurs reprises je me suis adressé à M. le Ministre de la Justice, à M. le Procureur Général, et à M. le Procureur de la République(2) pour demander l'autorisation de me rendre à Paris en état de liberté sous caution ; mes demandes n'ont jamais reçu aucune réponse. Récemment encore, le 30 Avril dernier, je me suis adressé de nouveau à M. le Ministre de la Justice pour déclarer, dans une lettre qui a été imprimée et répandue dans toute l'Europe que si, se conformant aux prescriptions du *Code d'Instruction Criminelle* on reconnaissait les irrégularités de la procédure dirigée contre moi, je m'empresserais de me rendre à Paris. Cette dernière demande n'a pas été plus heureuse que les premières, et comme je l'ai dit plus haut, sans qu'on voulût jamais me faire connaître précisément de quoi j'étais accusé, par une nouvelle violation du *Code d'Instruction Criminelle*, j'ai été

(1) Toutes les factures des Libraires, tous les reçus, tous les catalogues, tous les documens en un mot que j'ai laissés chez moi, et qui pouvaient établir que j'avais acheté de différentes personnes les livres, ou les autres objets incriminés, ont été saisis sans inventaire et mis au pillage. (Voyez les documens publiés dans ma *Lettre à M. de Falloux*, pp. 24—28.)

(2) Quelques-unes des demandes qu'à plusieurs reprises j'ai adressées par écrit à ces magistrats, leur ont été présentées successivement par M. Gioberti, alors Ministre Plénipotentiaire du Roi de Sardaigne, à Paris, et par M. Panizzi, premier bibliothécaire au département des livres imprimés du *British Museum* qui, avec l'autorité qui s'attache à leur nom et à leur position, ont fait tous les deux de vains et courageux efforts pour obtenir que la vérité prévalût sur les funestes préventions conçues contre moi.

condamné par contumace, sans avoir été assigné, sans avoir été averti légalement qu'on allait procéder contre moi. Vous voyez, Monsieur l'Administrateur, que j'ai fait tout ce qui dépendait de moi pour obtenir un jugement régulier, et tout le monde conviendra qu'après avoir été la victime d'irrégularités si nombreuses et si inconcevables, je ne pouvais pas me rendre à Paris avant d'être rassuré contre le retour trop probable d'autres irrégularités du même genre. Combien de temps faudra-t-il pour que j'aie l'assurance dont j'ai besoin ? combien de temps devra-t-il s'écouler avant que certains magistrats reconnaissent qu'ils se sont trompés, qu'ils se sont engagés dans une voie irrégulière ? Je l'ignore. L'Assemblée des Professeurs du Collège de France pense que cinq mois seront suffisants pour cela, et que d'ici au 1er Décembre prochain, on aura fait ce qu'il faut pour que je me rende à Paris. J'en accepte l'augure. Le Collège de France, l'Institut, tous les corps en un mot qui m'ont admis dans leur sein, savent que je les ai priés instamment de faire une démarche efficace, afin qu'une procédure qui avait soulevé un cri de réprobation dans toute l'Europe rentrât dans la voie régulière(1) ; c'était la seule manière de sortir du labyrinthe inextricable dans lequel on s'est engagé. Je n'ai jamais demandé autre chose que de voir ces illustres compagnies prendre la défense des lois, violées par ceux qui en étaient les gardiens ; car j'étais sûr de repousser les calomnies répandues contre moi dès que je ne serais plus privé de la protection des lois. Je regrette vivement qu'une telle intervention, toute dans l'intérêt de la justice, n'ait pas été jugée praticable par ceux là-mêmes qui reconnaissaient(2) l'irrégularité de la procédure dont je suis la victime.

(1) Parmi les censures que cette procédure a provoquées, je n'en connais pas de plus significative que celle que M. Landrini, ancien magistrat à Florence, a formulée ainsi qu'il suit dans son vote d'adhésion au Mémoire déjà cité de M. Lamporecchi (p. 82) :

" Je déclare franchement (dit M. Landrini), quoique je sois arrivé à l'âge de cinquante ans, et que j'aie passé près de trente ans dans l'exercice de la profession d'avocat, que parmi les innombrables procédures que j'ai suivies, soit comme défenseur, soit comme juge suppléant au Tribunal Royal de Florence, je n'en ai jamais vu, grâce au ciel et à l'équité des Toscans, une seule aussi *vexatoire* que celle-ci.

(2) Je me suis adressé à cette occasion à toutes les Académies de l'Institut. Voici ce qu'en m'envoyant la réponse officielle d'une de ces Académies me fit l'honneur de m'écrire un des secrétaires perpé-

On se demandera pourquoi les compagnies savantes qui m'ont fait l'honneur de m'accueillir dans ces derniers temps en France, ont montré plus de réserve que la Faculté de Droit de l'Université de Pise(1), à laquelle je ne suis attaché que par des liens très honorables pour moi mais déjà fort anciens. Elle n'a pas hésité à signaler avec une noble

tuels dont l'Institut s'honore le plus, et dont l'opinion devrait avoir le plus de poids auprès des magistrats. Je ne crois pas très nécessaire d'ajouter que ce n'est pas le secrétaire perpétuel pour les sciences mathématiques qui m'a écrit ce qui suit :

" Paris, 22 Mai, 1849.

" Monsieur et très honoré confrère.

" En vous adressant une réponse au nom de l'Académie ....., je dois joindre à cette lettre officielle quelques mots particuliers. Je n'ai pas encore lu entièrement l'écrit dont vous m'avez envoyé un exemplaire ; mes mauvais yeux en sont cause, mais j'en ai lu assez pour apprécier la justice de vos plaintes, et pour déplorer les étranges irrégularités des procédés suivis à votre égard. Si l'Académie, comme corps, n'a pas pu intervenir au milieu d'une instruction commencée, des démarches individuelles ont été faites, et le seront encore auprès du chef de la magistrature et du Procureur-Général pour que cette instruction soit régulière et expéditive. La justice est tenue d'observer envers tout le monde des formes protectrices, de se montrer impartiale et non prévenue, et d'arriver vîte à des décisions fondées. Il est douloureux de voir que ces règles tutélaires ont été méconnues à l'égard d'un savant célèbre, et d'un membre de l'Institut, que sa renommée et son titre auraient dû entourer au contraire de préventions favorables. J'espère qu'il n'en sera plus ainsi, que justice sera promptement faite, et que vous rentrerez bientôt dans notre pays pour être rendu aux travaux de l'illustre compagnie, dont vous n'auriez pas dû être contraint de vous éloigner."

(1) Depuis l'année 1824, j'ai l'honneur d'appartenir à l'Université de Pise. en qualité de professeur émérite ; et loin de voir mon nom disparaître (comme cela est arrivé en France) du programme des cours de cette antique et célèbre université, j'ai eu le bonheur de voir mes savants collègues prendre spontanément ma défense avec un courage et une noblesse qui exciteront perpétuellement ma reconnaissance. Si cela était possible, je voudrais pouvoir reproduire ici tout ce que ces jurisconsultes éminens ont dit pour faire reconnaître la justice de ma cause. Puisque la place me manque, je me bornerai à citer quelques lignes seulement dans le vote d'adhésion de chacun d'eux. Voici ces extraits :

.... Je pensais qu'il n'était pas permis à la calomnie elle-même d'articuler une accusation d'une telle gravité, avec des argumens si

spontanéité et avec l'autorité qui lui appartient l'odieux qui

futiles, si puérils, et qui sont un outrage manifeste aux lois les plus communes de la justice et de l'équité.

" C'est pourquoi j'avais cru jusqu'à ce jour que M. Libri pouvait se dispenser de toute défense ultérieure tendant à le réhabiliter dans l'opinion publique; je croyais qu'il pouvait se dispenser de combattre pour son propre honneur jusqu'à ce jour si hautement vengé par le témoignage des noms les plus illustres de l'Europe.

" PIETRO CONTICINI, *avocat.*

" Professeur de Pandectes à l'Université Impériale et Royale de Pise."

.... Mais lors même que dans la position bien motivée de contumace, M. Libri serait frappé d'une condamnation, qu'il ne se déconcerte pas. A un homme d'une renommée si grande et si dignement acquise, ne peut manquer le *Jupiter qui* ITERUM *rem judicatam judicet.*

" FRANCOIS ANTOINE MORI, *avocat.*

" Professeur de Droit criminel à l'Université Impériale et Royale de Pise."

.... Après la stupeur dont les a frappés d'abord l'étrange imputation au moyen de laquelle on essayait de dénigrer une des plus brillantes lumières de la science contemporaine, les savans de toute l'Europe se sont empressés, aussitôt après la publication de la réponse victorieuse que l'accusé a fait paraître, d'élever de toutes parts la voix, pour proclamer le triomphe de l'innocence et de la vérité.

" FLAMINIO SEVERI, *avocat.*

" Professeur de Droit romain à l'Université Impériale et Royale de Pise."

.... L'accusation dirigée contre M. le Professeur Libri n'est pas la poursuite consciencieuse d'un délit, dont il est impossible de signaler même la plus légère apparence, on a seulement essayé de satisfaire, par cette accusation, une vengeance politique, c'est pourquoi je joins de grand cœur mon adhésion à celle de mes honorables collègues de l'Université de Pise.

" PIETRO CAPEI, *avocat,*

" Professeur émérite de Droit romain à l'Université Impériale et Royale de Pise et ancien Ministre et Secrétaire d'Etat de S. A. I. et R. le Grand-Duc de Toscane."

.... Toutefois il était de notre devoir d'élever la voix pour démontrer à chacun combien cette accusation semble sotte et inique dans la patrie qui se glorifie du nom de M. Libri. Notre silence eût été certainement une lâcheté, quand les preuves de son innocence ressortent si palpables des faits cités *in extenso* dans les écrits publiés par le savant professeur, quand nous sommes si vivement frappés de l'évidence des démonstrations pleines d'autorité, établies à cet égard, par l'illustre Président des Avocats Toscans, (M. Lamporecchi), et auxquelles nous sommes heureux de donner notre adhésion. Tout le monde sentira qu'en nous exprimant ainsi, nous faisons complètement abstraction des sentiments d'affection et de respect qui nous

s'attache à la persécution dont je suis l'objet(1). En cet

attachent à notre collégue, et de l'amour chaleureux de la patrie. Car si la justice et la vérité n'eussent pas été, comme elles le sont, du côté de l'illustre M. Libri, nous n'eussions jamais osé prendre sa défense.

"FRANCESCO BONAINI, *avocat.*

"Professeur d'Histoire du Droit à l'Université Impériale et Royale de Pise."

(1) Le vote d'adhésion dont on vient de lire quelques extraits, a été publié dernièrement à la suite de l'excellent *Mémoire*, que j'ai déjà cité, de M. le Sénateur Lamporecchi, *sur la persécution qu'on fait subir en France à M. Libri.* Outre l'adhésion de la faculté de Droit de l'Université de Pise, ce Mémoire, qui est un chef-d'œuvre de dialectique et de raisonnement, a reçu les adhésions de M. Agrifoglio, ancien avocat-général et ancien procureur-général près la Cour Impériale de Florence, sous le règne de l'Empereur Napoléon, ainsi que les adhésions de M. Landrini, ancien magistrat, de M. Vanni, Président de la Chambre des Députés du Grand-Duché de Toscane, de M. Andreucci, ancien Ministre de l'Instruction Publique du Grand-Duc de Toscane, et de M. Galeotti, ancien Secrétaire du Conseil d'Etat du Grand-Duc de Toscane. Croit-on que sans les motifs les plus graves, des hommes si haut placés, des jurisconsultes si éminens, se seraient décidés à faire une manifestation si éclatante, en faveur d'un homme qu'on a prétendu flétrir juridiquement? Peut-on penser que ce soit sans des raisons bien puissantes, qu'un ancien magistrat français, M. Agrifoglio, ait pu écrire ce qui suit à propos de la procédure dirigée contre moi? Et pourtant, malgré de si imposantes autorités, je n'ai jamais pu obtenir qu'on m'accordât du moins un supplément d'instruction, et les magistrats s'en sont uniquement rapportés à des experts qui déclaraient *vouloir me faire pendre.* On verra plus loin—page 20, si ces experts méritaient une confiance illimitée.

"De 1806 à 1814, j'ai été revêtu de la toge française, (dit M. Agrifoglio), d'abord comme Procureur-Général, puis, après la suppression des cours criminelles, comme Avocat-Général près la Cour dite Impériale. J'ai donc été à même de savoir comment se conduisait en France l'instruction des procès, c'est-à-dire, avec toute la célérité permise par la gravité des accusations. Je sais comment les jugemens étaient rendus; avec cette justice impartiale, qui est le véritable bienfait des gouvernemens, et qui leur acquiert seule la véritable gloire, parcequ'elle ne peut exister que par le bonheur public. J'ai été l'admirateur de ces honorables magistrats qui furent mes collègues. C'est pourquoi j'ai apporté dans cet examen toute l'attention, tout l'intérêt qu'une expérience de quarante années et plus des affaires criminelles, réclamaient de moi.

"Mais, si les faits indiqués dans les imprimés sont vrais, (et comment en douter, après les avoir lus et pesés?) quelle a été ma surprise quand j'ai dû rester convaincu que, dans le procès qui s'instruit

état de choses, et afin de satisfaire au vœu du Collège de France, vœu qui est le mien, permettez-moi, de demander encore une fois que ce corps illustre, veuille bien intervenir uniquement dans l'intérêt de la loi, afin qu'on reconnaisse

depuis le mois de Mars 1848, on avait négligé toutes les règles de la justice, oublié le courage civique et l'amour du juste . . . . . .

" Loin de moi la pensée de ternir la gloire des magistrats d'une nation, dont j'ai porté pendant huit ans les insignes judiciaires, mais je dis seulement, et je le dis avec douleur, (parceque ma devise a toujours été: la justice égale pour tous!) cette accusation a été commencée dans des temps où, suivant un écrivain Français, l'intérêt, l'ambition, l'envie agissent avec force, et où il arrive que beaucoup d'hommes se forment comme un *prisme* à travers lequel ils voient les choses bien différentes de ce qu'elles sont. Malheur funeste, mais qui n'est que trop réel!. . . .

" Ma conviction était déjà formée sur la manière irrégulière dont on a commencé le procès, en ayant foi à *un anonyme* que les lois méprisent; sur la manière dont les visites domiciliaires ont été exécutées; sur le défaut des formes et sur l'irrégularité des procès-verbaux, en vertu desquels on a saisi et on s'est emparé des papiers que l'on croyait susceptibles de fournir des preuves contre l'accusé ou à sa décharge, formalités indiquées art. 35 et suivans du code d'Instruction Criminelle . . . . . voyant que les prétendues pièces à conviction sont enlevées sans aucune formalité par les experts et rapportées par eux dans le lieu où elles se trouvaient, pour vérifier si parmi ces pièces, dont le nombre est très considérable, il n'y aurait pas quelque livre ou quelque manuscrit volé. Toutes ces irrégularités m'ont, malgré moi, forcé de reconnaître que l'esprit de parti, toujours funeste et nuisible, et peut-être l'amour propre d'autrui offensé, ont été les seuls élémens réels de cette accusation, de cette articulation de délit; cette conviction a été renforcée par la lecture du Mémoire de mon honorable collègue, M. l'avocat Lamporecchi.

" En analysant, avec une clarté incontestable, tous les faits qui sont allégués en faveur de l'accusation, *et qui ne sont que de purs soupçons et non des indices de culpabilité*, il les a tous détruits par ses réponses. En les répétant, je ne ferais qu'augmenter de quelques pages l'adhésion complète que je donne ici à ce mémoire, et ce n'est pas là mon intention.

" Je fais observer seulement que le fait, d'où pourrait naître un doute à la charge du Professeur Libri, celui qu'on eût trouvé dans l'immense nombre des volumes qu'il possédait, quelque livre que l'on dit avoir été soustrait d'une bibliothèque, ce fait se trouve complètement annullé par les justifications réunies dans les imprimés qui m'ont été remis. Car sans indiquer aucune règle certaine de droit, mais pour la garantie de tous les citoyens, les lois de toutes les nations civilisées répètent que pour donner à la possession de la chose soustraite la valeur d'un indice de culpabilité, celui qui accuse doit justifier, *de la manière la plus éclatante*, que la soustraction est *frauduleuse* et *qu'elle a été effectuée*: or *cette preuve n'existe pas.*"

les irrégularités dont j'ai été la victime. Dès que je verrai le moindre symptôme d'un changement dans la conduite du gouvernement qui m'a frappé d'abord illégalement, et dans les dispositions de certains magistrats, je m'empresserai d'aller purger ma contumace. Aujourd'hui, et les choses restant dans le même état, ce serait une folie de me présenter devant des juges si défavorablement prévenus.

Je dois m'abstenir de donner une défense anticipée car, je l'ai appris à mes dépens, les éclaircissemens que j'ai fournis aux magistrats, n'ont servi qu'à leur faire éviter des dangers, et à faire disparaître quelques-unes des fautes les plus grossières dans lesquelles les experts avaient entraîné la justice. Si je me permettais de discuter actuellement en détail les extraits de l'acte d'accusation qui ont paru dans les journaux, tout annonce que cette discussion ne servirait qu'à rendre moins imparfait le travail du parquet. Cependant, afin qu'on ne puisse pas supposer que c'est la difficulté de répondre aux accusations, et non la difficulté de me défendre devant des juges prévenus contre moi, qui me fait rester éloigné de Paris, je montrerai, par quelques exemples, quels sont les fondements d'une procédure qui s'est appuyée d'abord sur des accusations anonymes et qui, après trente mois de recherches hostiles, n'a pas encore trouvé de charges plus solides que celles que je vais réfuter ici. Au risque de fournir un nouvel *Errata* à l'acte d'accusation je serai forcé de prendre ces exemples dans les journaux ; car, ainsi que je l'ai dit plus haut, non seulement cet acte d'accusation, qui, d'après la loi, doit toujours être porté à la connaissance de l'accusé, ne m'a pas été communiqué avant la sentence de contumace, mais même après cette sentence, et pendant que, dans la vue de me ruiner, il est communiqué sous le manteau à différentes personnes, on refuse absolument de me le faire connaître. Aussi toutes les démarches de mes amis tendent aujourd'hui à en obtenir la publication.

En attendant ce document, auquel je répondrai quand on l'aura fait paraître d'une manière authentique et qui n'admette plus de corrections(1), je prends dans l'extrait

(1) On se tromperait si l'on s'imaginait que, malgré mon désir, je pourrai publier une réfutation immédiate de toutes les calomnies accumulées pendant plusieurs années de travail souterrain par l'accu-

de l'acte d'accusation, donné par le journal le *Droit* du 25 Juin dernier, deux faits saillants, comme exemple des erreurs dans lesquelles doivent tomber des magistrats qui n'écoutent que les ennemis d'un accusé ; et je déclare d'avance que dès à présent je suis en mesure de faire des réponses tout aussi péremptoires aux autres assertions de l'accusation qui ont été publiées.

Après avoir donné quelques détails qui sont entièrement controuvés, l'acte d'accusation (Voyez le *Droit*) s'exprime ainsi :

"Le jeune Abry aurait déclaré à deux témoins qu'il avait travaillé chez Libri ; que pendant quinze jours ou trois semaines il avait été employé à gratter et à faire disparaître des cachets et timbres sur les livres ; que Libri avait voulu se mêler de ce travail, mais qu'il avait dû l'abandonner parcequ'il s'en acquittait mal et qu'il faisait des trous dans le papier."

Lorsque je pourrai réfuter l'acte d'accusation, je ferai connaître, d'après les documents authentiques qui sont entre mes mains la manière dont on a procédé à l'audition des

sation. Je sais par expérience que certaines personnes, dont peut-être je serai forcé de faire connaître les noms, se refusent, par la crainte d'être inquiétées, à me donner un *duplicata* des factures dont on m'a privé, et qui constataient l'acquisition que j'avais faite de livres, ou d'autres objets incriminés. Je sais aussi que certains bibliothécaires, dans l'espoir de me rendre responsable de toutes les dilapidations qui ont pu avoir lieu dans les établissemens confiés à leurs soins, cachent la vérité et même se vantent hardiment de *mentir*. Ce sont là des difficultés produites par tout le bruit fait contre moi, et qui tiennent aux mauvais instincts de la nature humaine. Elles ne peuvent être surmontées qu'avec beaucoup de temps et de patience ; pourtant j'espère en venir à bout. Sans anticiper sur les curieuses révélations que je serai probablement obligé de faire à cet égard, je rappellerai ici la conversation entre M. Jubinal et M. Ravenel, l'un des conservateurs de la Bibliothèque Nationale, conversation que M. Jubinal rapporte en entier dans l'écrit intitulé *Une Lettre inédite de Montaigne*, (Paris, 1850, in-8vo.) et qui se termine ainsi :

"Monsieur, reprit M. Ravenel, j'avais, comme vous le voyez, le catalogue Lavallière ; mais *il était convenu* qu'on vous dirait que nous ne l'avions pas, et je l'avais mis de côté, afin qu'il ne vous fût point communiqué.—Et pourquoi s'il vous plaît ?—Parceque vous avez écrit, *m'a-t'on-dit*, quelque chose de favorable à M. Libri, et que nous regardons tous ceux qui le défendent, *comme nos ennemis acharnés ;* contre eux nous nous défendons *comme nous pouvons*. Voilà pourquoi je vous ai fait un *mensonge*."

témoins dans mon affaire(1). Déjà dans le Rapport de M. Boucly il était question d'un prétendu témoignage porté contre moi par M. *Techener fils*, témoignage entièrement controuvé ou falsifié(2), et qui a donné lieu à des critiques si sévères de la part d'hommes très considérables(3). Il y

(1) Les exemples en sont trop nombreux pour pouvoir être indiqués ici, même d'une manière sommaire ; ils viendront en leur temps. Je me bornerai à rapporter seulement ce que Lamporecchi dit dans son *Mémoire*) p. 64—65) à propos de la manière dont les dépositions des témoins ont été reçues dans cette procédure:

"CXLV. —*La dixième* irrégularité (je n'en finirai jamais) est la conduite tenue par le Juge d'Instruction, ainsi que le constatent les pièces qui m'ont été communiquées.

"Il fit appeler M. Durand, qui voulait faire insérer dans les journaux une lettre écrite par M. Libri à sa justification, il lui reprocha sa correspondance avec M. Libri, et d'un ton menaçant le contraignit à lui laisser cette lettre.

"Il interroge M. Crosnier et refuse de recevoir les éclaircissemens qu'il veut lui donner en faveur de M. Libri, et pour rendre hommage à la vérité ! "M. le Juge d'Instruction (c'est M. Crosnier lui-même qui parle) se refusait à recevoir lors de ma déposition devant lui, tout éclaircissement tendant à établir la vérité sur M. Libri."

"CXLVI.—Maintenant je le demande, dans quelle partie du monde civilisé existent des lois qui autorisent un magistrat instructeur à mutiler l'interrogatoire des témoins ? Je me souviens d'avoir lu qu'à l'époque de la première révolution française, au temps de Robespierre et de Marat, on ôta aux émigrés le bénéfice de la défense. *Mais, pas même dans ces temps d'effroyable mémoire, les magistrats instructeurs n'étaient autorisés à faire à l'interrogatoire des témoins de si monstrueuses mutilations, en retenant ce qui était nuisible, et supprimant ce qui était favorable à l'absent.*"

(2) Voici en quels termes l'assertion relative à ce témoignage que contenait ce Rapport de M. Boucly, a été démentie par M. Techener dans le journal *La Presse* du 2 Avril, 1848

"J'ai vu avec peine (écrivait M. Techener, père), figurer mon témoignage et celui de mon fils dans la déplorable instruction relative à M. Libri. Veuillez, je vous prie, accueillir les rectifications suivantes : mon fils, *que l'on a cité deux fois, n'a été ni appelé ni interrogé* dans cette affaire ; pour moi, je me souviens qu'il y a plusieurs mois M. le Procureur du Roi me pria de passer chez lui pour donner les renseignements nécessaires sur l'origine des collections de M. Libri ; je n'ai fait qu'une réponse : c'est que des bruits fâcheux étaient, sans doute, venus jusqu'à moi : mais que, personnellement, je ne pouvais rien *affirmer* relativement à cette affaire.

"J. Techener."

(3) C'est après avoir pris connaissance du Rapport de M. Boucly

avait lieu d'espérer que ces critiques auraient rendu plus circonspectes les personnes chargées de continuer cette procédure, et qu'après le mauvais succès d'une première tentative on n'aurait plus osé prêter à des témoins de fausses déclarations. C'était un espoir mal fondé. Comme il me semblait impossible que M. Abry, qui appartient à une famille de gens honorables, et qui, travaillant uniquement à la rédaction de mon catalogue, n'avait jamais rien gratté ni vu gratter chez moi, eût fait un tel mensonge, j'ai prié un homme grave de lui demander des éclaircissemens au sujet de cette assertion de l'acte d'accusation. Voici la réponse que ce jeune homme vient de m'adresser :

" *A Monsieur Libri,*

" *A Londres.*

" Paris ce 18 Juillet, 1850.

" Monsieur,

" Ce n'est pas sans surprise et sans douleur que j'ai vu mon nom figurer au compte rendu par le journal *le Droit* du jugement dont vous êtes victime. Je jure, Monsieur, que je n'ai jamais dit et n'ai jamais pu dire une chose qui n'a pas existé ; n'étant occupé chez vous qu'à la rédaction du catalogue, je n'y ai gratté ni estampilles, ni fait aucun raccommodage. Aussi j'attends, ou plutôt j'appelle ardemment le moment où je serai confronté avec ces *deux témoins* qui osent attester que je leur ai dit cela. Si j'eusse fait un pareil mensonge, je n'eusse pas eu la témérité de me rappeler à votre souvenir, Monsieur, afin que vous m'appellassiez près de vous pour m'occuper.

" J'ai l'honneur d'être, Monsieur, votre très obéissant serviteur,

" Gabriel Abry."

et de ma réponse, qu'un ancien Grand Chancelier d'Angleterre, résuma par écrit son opinion en ces termes :

" La défense la plus complète que j'aie jamais vue de ma vie. Voyez surtout l'infâme calomnie sur Carpentras. Mais, tout est infamie et calomnie d'une part, et tout est parfait de l'autre. (Lisez *Lettre à M. de Falloux*, p. 14).

Malgré cette rude leçon, nous verrons encore reparaître les *infâmes calomnies sur Carpentras*. (Voyez plus loin, pp. 16—17,)

" Je joins ici ma déposition telle que je l'ai faite devant Monsieur le Juge d'Instruction et en présence de Monsieur F . . . . laveur de livres :

" J'étais employé chez Monsieur Libri à lever des cartes pour le catalogue ; je n'ai jamais gratté ni vu gratter aucun cachet ; je déclare que Monsieur Libri m'avait donné ordre ainsi qu'aux autres rédacteurs d'extraire de sa bibliothèque tous les livres revêtus d'estampilles et de les mettre dans un casier à ce destiné, etc."(1)

A cette lettre était jointe une autre lettre de M. Abry, libraire à Paris, et grand père du précédent. Les personnes qui connaissent M. Abry apprécieront, comme ils le méritent, les sentiments d'indignation que cet ancien officier, rempli d'honneur, a fait éclater dans cette circonstance :

" *A Monsieur Libri,*

" *A Londres.*

" Paris ce 17 Juillet, 1850.

" Monsieur,

" C'est avec la plus légitime indignation que je vois deux témoins anonymes, dans le procès qui vous a été intenté, Monsieur, prêter à un jeune homme de 17 ans des propos qu'il n'a jamais pu tenir. Chaque jour, en revenant de travailler chez vous, il me rendait compte des opérations de sa journée ; et occupé à lever des cartes pour le catalogue, il n'était nullement question de grattage. Aussi, Monsieur, devant telle autorité que ce soit, si cela peut vous être de quelqu'utilité quand le moment sera venu de confondre vos accusateurs, vous pouvez dès aujourd'hui disposer de moi sans réserve ; je serai toujours prêt à attester la vérité qui est : que mon petit fils n'a jamais été occupé ni chez vous, ni chez moi à gratter des cachets, estampilles on autres marques ; que ces deux témoins qui ne sont pas nommés, quand mon petit fils l'est, en imposent ; qu'ils se fassent

(1) Cette lettre contient d'autres faits importans que je me réserve de publier à l'occasion.

connaître et l'on verra, Monsieur, que ces propos qui lui sont prêtés, ne sont à votre égard, que la combinaison d'une plate vengeance(1) ; et au mien, en désignant mon petit-fils au mépris public comme un délateur, le résultat d'une basse jalousie,

" J'ai l'honneur d'être,
" Monsieur,
" Avec le plus profond respect,
" Votre très humble serviteur,
" ABRY."(2)

" Rue Basse du Rempart, 56."

Parmi toutes les fables qui figurent dans les extraits donnés par les journaux de l'acte d'accusation, je choisirai pour second exemple ce que l'on dit dans le même *Droit* à propos de la bibliothèque de Carpentras :

" C'est ainsi que 1738 feuillets ayant disparu de la Bibliothèque de Carpentras, l'accusation en retrouve 343 dans les mains de l'accusé."

Ce passage, qui se complète par un autre passage d'une des *Lettres* de M. P. Lacroix à M. Hatton(3), se rapporte évidemment aux manuscrits de Peiresc qui se trouvent à la Bibliothèque de Carpentras. Je n'ai pas compté ces lacunes, mais comme, dans toutes les collections publiques et particulières, il y a des papiers de Peiresc, qui ne m'ont jamais appartenu(4), et que si j'ai bonne mémoire, la Bibliothèque

(1) S'il est vrai comme on me l'annonce que les magistrats qui repoussent le témoignage porté en ma faveur par des personnes haut placées, aient accueilli avec empressement les dépositions d'individus tarés qui me doivent de l'argent, et contre lesquels on a dû faire des poursuites, on s'expliquera facilement ces fausses déclarations. Mais je reviendrai sur ce point dans une autre occasion.

(2) Cette lettre contient un *post scriptum* que je me réserve de publier plus tard.

(3) Page 62.

(4) Je me promets de traiter à fond ce point dans une autre occasion ; pour le moment je me bornerai à signaler la pièce indiquée à la page 253 du Catalogue des livres de feu l'Abbé L'Ecuy, ancien général des Prémontrés, dont les autographes furent vendus à Paris, le 29 et le 30 Décembre 1834. Ce Catalogue

Royale ou Nationale de Paris a fait relier en dix volumes in-folio les papiers tirés de la correspondance de Peiresc qu'elle possède, et qui sont sortis, on ne sait comment, de la Bibliothèque de Carpentras, il est fort à craindre que l'évaluation donnée dans l'acte d'accusation ne soit au-dessous de la vérité. Pour ma part, j'en ai acheté dans vingt circonstances. J'en ai trouvé sur le quai, dont j'ai fait présent à la Bibliothèque Royale(1). J'en ai acheté en vente publique ou dans des collections d'autographes dont j'ai fait l'acquisition, j'en ai trouvé même chez des épiciers. Quant aux feuillets qu'on a pu rencontrer chez moi, voici un paragraphe(2) d'une lettre qui est entre mes mains, et qui m'a été adressée en 1843 par M. Laurans, bibliothécaire de Carpentras ; après l'avoir lu on sera moins étonné que l'on ait découvert ces feuillets chez moi :

" Ne croyant (m'écrivait ce bibliothécaire) que personne puisse faire ici les extraits que vous me demandiez, j'ai pris le parti de vous envoyer les feuillets que vous désiriez faire copier dans les manuscrits de Peiresc. Je n'ai pas trouvé tous ceux que vous m'aviez indiqués mais comme dans ces volumes beaucoup de feuillets manquent ou sont hors de leur place, j'ai pris le parti de vous envoyer tous les feuillets séparés que j'ai pu ramasser(3) ; peut-être y trouverez-vous

imprimé donne, ainsi qu'il suit, la description de ce document autographe :

" 1593. SERRES (Jean DE).

" Projet de réunion des Catholiques et des Protestans. 10 *pages in-fol.* Pièce extraite des manuscrits de Peiresc."

Qu'on me permette de citer également le Catalogue de vente des autographes de M. Mommerqué, Conseiller à la Cour Royale, Membre de l'Institut, etc. (Paris, Mai, 1837) où je vois au No. 997, cette indication :

" Peiresc (Nicolas-Claude Fabri de), conseiller au parlement de Provence.

" Fragment de journal du Parlement de Provence. Autographe."

(1) Je ferai paraître dans une autre occasion le document qui constate ce fait.

(2) Cette lettre importante contient d'autres faits fort curieux, et je me réserve de la publier en entier, avec d'autres pièces non moins intéressantes, lorsque l'acte d'accusation aura paru.

(3) Afin qu'on ne juge pas trop sévèrement ce bibliothécaire qui a mis un si grand empressement à m'obliger, je dirai aux personnes

des passages que vous aviez l'intention de faire copier. Je sais que vous en aurez soin, et d'ailleurs ce sera autant d'enlevé aux souris."

Il faut avouer que l'accusation est singulièrement malheureuse en ce qui concerne la Bibliothèque de Carpentras. En 1848, M. Boucly m'accuse d'avoir dérobé à cette bibliothèque un Castiglione que m'avait vendu M. Merlin, et un Théocrite que j'avais obtenu par échange du bibliothécaire de Carpentras. Aujourd'hui on m'accuse d'avoir dérobé à la même bibliothèque des fragments qu'on m'avait prêtés spontanément. Je dois dire, que quoique préparé à toutes sortes d'accusations ridicules, il ne m'avait jamais passé par l'esprit que je pusse être mis en jugement parcequ'on aurait trouvé dans mon appartement des objets qui m'avaient été prêtés. Qu'aurait-on dit si ces feuillets avaient disparu de chez moi ? C'est là un précédent bien dangereux ; car, soit pour mes propres travaux, soit pour les travaux de la commission des manuscrits dont j'étais le secrétaire, j'ai emprunté plusieurs centaines d'ouvrages imprimés et manuscrits à différentes bibliothèques, et comme habituellement on ne se fait pas donner par le bibliothécaire un reçu des livres qu'on emprunte à une bibliothèque, il en résulte, qu'en suivant les erremens du parquet, tout savant, tout homme de

qui ne le sauraient pas, que chez les bibliothécaires, l'habitude de dépecer les manuscrits dans une vue quelconque est plus commune qu'on ne pense. Pour prouver mon assertion, je ne citerai que deux exemples. Il y a une douzaine d'années ou moins, que M. Chabaille sachant que j'avais acheté des manuscrits de Gassendi, vint me voir, portant un certain nombre de feuillets, arrachés d'un recueil possédé, me dit-il, par une bibliothèque de province, et qu'on envoyait à Paris, pour s'assurer si c'étaient là des écrits autographes de Gassendi. Vérification faite, l'écriture était de cet homme célèbre. L'autre fait se trouve cité dans un opuscule publié récemment par M. Lepelle de Bois-Gallais, sous ce titre : *Encore une Lettre inédite de Montaigne.*

" Voulant faire (dit M. Lepelle, p. 12) il y a quelque temps le *fac-simile* d'un des manuscrits les plus précieux de la Bibliothèque Nationale, et n'ayant pas le temps de travailler à la Bibliothèque, je demandai à emprunter le manuscrit. Une circonstance particulière n'ayant pas permis que ce manuscrit me fut alors prêté, un des conservateurs qui désirait beaucoup voir effectuer ce *fac-simile*, enleva sans cérémonie avec un canif la portion dont j'avais besoin, et me la remit, toujours sans qu'aucune trace de ce prêt restât sur les registres de la Bibliothèque."

lettres peut s'attendre à être mis en jugement pour les livres qu'on lui aurait prêtés et qu'on trouverait chez lui.

Voilà, Monsieur, un échantillon des bévues qu'on commet lorsqu'on se laisse entraîner par des préventions, lorsque surtout on demande des informations aux ennemis déclarés de l'homme qu'il s'agit de juger. Tout est de la même force dans ce que je connais de l'acte d'accusation. Mais enfin, dira-t-on, comment se fait-il qu'une accusation appuyée d'abord sur des calomnies anonymes, si maladroitement répétées par M. Boucly, et qui actuellement se donne des bases si chancelantes, puisse avoir quelque chance de succès ? La raison en est bien simple ; c'est que, comme on va le voir, l'animosité de mes ennemis, s'appuyant sur la fantasmagorie dressée dès le commencement à grand bruit contre moi, est venue en aide à l'ignorance la moins concevable chez un peuple qui compte tant d'hommes éminents dans la bibliographie et dans l'érudition. Il ne s'agit pas ici d'une affaire ordinaire, il s'agit d'une question qui ne peut être traitée convenablement que par de véritables savans. Les magistrats ne sont pas obligés de connaître les livres, ni de s'être occupés de bibliographie. Dans un moment de tourmente révolutionnaire, ils ont accepté des commissaires que M. Carnot avait désignés à cause de leur animosité contre moi(1), et naturellement l'on a été amené à croire tout ce que ces commissaires disaient. Les magistrats auraient dû se méfier des informations puisées à une source impure, mais ils croyaient au savoir des commissaires, et ils voyaient là une garantie qui malheureusement n'était pas réelle. En effet, bien qu'appartenant à une école célèbre, qu'ils compromettent par leur manque de connaissances, certains membres de la commission qui ont continué le travail jusqu'au bout, et qui ont rédigé le rapport, ne semblent pas convenablement préparés à juger une question de livres, et de bibliographie.

Ils ont souvent induit en erreur les magistrats auxquels j'ai demandé vainement qu'on nommât une autre commission composée d'hommes plus haut placés, plus savants et plus impartiaux. Ces jeunes commissaires ont inspiré aux magistrats leur animosité, qu'ils appuyaient sur une ignorance trop dangereuse dans une question toute spéciale. Le reflet de cette ignorance se laisse apercevoir dans les

(1) Voyez *Lettre à M. de Falloux*, p. 18 et 108.

extraits de l'acte d'accusation qui ont été publiés. Mais jusqu'à ce que ce document ait paru en entier je ne pourrai pas le soumettre à une critique raisonnée. Heureusement un des commissaires, M. Ludovic Lalanne, a fait paraître récemment dans la Bibliothèque de l'Ecole des Chartes(1) un travail dans lequel, en rendant compte de l'écrit où M. Jubinal avait signalé les dilapidations commises dans quelques-unes des collections de la Bibliothèque Nationale, il a donné la mesure de son savoir. Cet écrit, dirigé en réalité contre moi, a servi déjà de base ou de prétexte à un procès en revendication pour une lettre de Montaigne possédée actuellement par M. Feuillet de Conches et qui, au dire des experts, serait sortie de la Bibliothèque Nationale. M. Lalanne, voulant prouver que certaines lettres autographes dont il parle, n'ont pu être mises en circulation que par suite de soustractions dont il veut déterminer l'époque, s'appuie uniquement(2) sur le *Manuel de l'Amateur d'Autographes*, publié en 1836, par M. Fontaine, et dans lequel se trouvent des indications sur les autographes qui n'auraient pas passé dans les ventes jusqu'à cette époque. Je ne saurais me livrer ici à l'examen de cet ouvrage ; mais

(1) Livraison de Janvier—Février, 1850, p. 267—271.

(2) Voici comment s'exprime M. Lud. Lalanne dans cet écrit, qui à en juger par quelques passages, paraît contenir des extraits du Rapport des experts :

" Les autographes de Rubens qui n'avaient point encore paru dans les ventes avant 1836. (Suivant le Manuel de l'amateur des autographes par Fontaine, Paris, 1836, in-8vo.)..... Les autographes de Casaubon qui, suivant le *Manuel de l'amateur d'autographes*, n'avaient point encore figuré dans les ventes en 1836." (*Bibliothèque de l'Ecole des Chartes*, livraison de Janvier—Février, 1850, p. 269).

Je veux m'abstenir ici de toute discussion prématurée ; mais devant des assertions si positives, et dont le but caché est si malveillant, je me bornerai à déclarer que *tous les autographes* annoncés par M. Fontaine, comme n'ayant pas encore passé dans les ventes en 1836, *avaient déjà été mis publiquement en vente*, avant cette époque. Quant aux lettres de Rubens et de Casaubon, M. Lud. Lalanne, qui devrait pourtant connaître les ventes faites à l'étranger, puisqu'il les cite dans son travail (*ibid*, p. 269), sans aller bien loin pourrait trouver deux pièces autographes de Rubens, aux Nos. 883 et 884 du Catalogue des Autographes de M. Thorpe, (Londres, 1833, in-8vo.) ainsi que des autographes de Casaubon, dans la vente des autographes de M. Koning, effectuée à Amsterdam, le 15 Octobre 1833. (Nos. 20 et 46). Si l'on désire d'autres exemples, ils ne se feront pas attendre.

comme le seul moyen que l'on ait encore d'apprécier les lumières qui ont présidé au jugement de cette affaire, c'est, d'examiner le livre qui a servi de texte et de guide aux experts, je demande la permission de faire connaître cet ouvrage, à l'aide d'un petit nombre de citations, et de faire juger ainsi du savoir des experts.

J'ouvre au hasard le livre de M. Fontaine qui, j'ai besoin de le répéter, a servi de texte à M. Lalanne chargé de fournir des lumières aux magistrats ; et aux pages 129—130, dans un paragraphe intitulé, *Femmes distinguées dans les Lettres*, entre Mme. de Graffigny et Ninon de Lenclos, je rencontre Antoine Arnauld, Arnauld d'Andilly, Robert et Henri Arnauld, Jean Silhon, Valincourt, Beaumarchais, que le guide de M. Lalanne a pris pour des *femmes distinguées*(1).

Plus loin dans un chapitre intitulé *XVe siècle* (p. 142—143), et qui contient l'énumération des lettres autographes de divers écrivains de ce siècle, je lis les noms de Gabrielle d'Estrées, du Cardinal de Bourbon (Charles X.), de Calvin, de Henri III, de Montaigne(2), personnages que les enfants même savent ne pas appartenir au *XVe siècle*.

A la page 93 du même ouvrage, il est question d'une lettre imprimée de Blaise Pascal à Dettouville (lisez Dettonville), et chacun sait que Dettonville est le nom que Pascal avait pris en publiant certains ouvrages de mathématiques.

A la page 8, on apprend que *Zurich possède le manuscrit original de Quintilien.*

Il n'est pas nécessaire, je crois, de grossir cette liste des bévues qu'on rencontre à toutes les pages du livre qui sert de texte à M. Lalanne ; mais comme ce savant expert s'est appuyé sur l'ouvrage de M. Fontaine pour établir, à sa manière, quels sont les autographes qui n'avaient pas paru dans les ventes avant 1836, époque de la publication de ce livre, il ne sera pas inutile, je pense, de donner un exemple

(1) Comme le livre de M. Fontaine n'est pas dans les mains de tout le monde, j'ai cru devoir donner plus loin le chapitre que je cite ici. Il est bon que le public puisse apprécier les ouvrages à l'aide desquels certains magistrats français forment leurs convictions. (Voyez la note I, à la page 29).

(2) On trouvera plus loin à la page 30, note II, le chapitre entier dont il s'agit ici. Il faut que, pour s'éclairer, le lecteur ait les pièces sous les yeux.

curieux du degré de confiance que, même sur ce point, il faut accorder aux assertions de cet oracle des magistrats.

A la page 235 du Manuel de M. Fontaine, je lis à propos de Thomas Hobbes la note suivante: *son autographe rare n'a pas encore passé dans les ventes,* et à la page 134, du même ouvrage se trouvent indiquées deux lettres autographes de ce même Thomas Hobbes comme ayant figuré en 1833 à la vente après décès de M. Ledru. Plus loin, à la page 271 de ce *Manuel,* je lis à propos de Peiresc, cette note :

"*Son autographe n'a pas encore paru dans les ventes,*" et je vois à la page 133 du même ouvrage, une lettre autographe de Peiresc, ou Peyresc, citée parmi celles qui ont paru en 1833 à la vente déjà indiquée de M. Ledru. Les assertions du maître de M. Lalanne sont généralement de la même force ; je ne m'y arrêterai pas davantage. C'est pourtant en s'appuyant sur de telles autorités qu'on condamne à Paris un professeur du Collège de France à dix années de réclusion ! N'est-il pas sérieusement à craindre qu'en suivant les mêmes errements et sur le réquisitoire de M. l'Avocat-Général Suin, qui s'appuierait sur une procédure dirigée par M. le Juge d'Instruction Hatton, qui s'en référerait au rapport rédigé par M. Lalanne expert, qui citerait à son tour l'autorité de M. Fontaine, membre de la deuxième classe de l'Institut Historique, un tribunal français ne soit amené un jour à réformer l'état civil de Beaumarchais ; à déclarer qu'il y a eu usurpation d'état, et que l'auteur du *Mariage de Figaro* était une femme distinguée ? Un tel arrêt pourrait être prononcé, mais il ne recevrait pas, Monsieur l'Administrateur, l'assentiment de l'Europe.

Après avoir signalé de telles énormités je pourrais m'arrêter ; mais un trait bien connu de la vie de Jacques Bernoulli me suggère l'idée de montrer à mes détracteurs que, lorsque je le jugerai à propos, il me sera facile d'aller plus loin.

Cet illustre géomètre, ayant été pressé un peu trop vivement par son frère, qui croyait avoir résolu un des problèmes les plus difficiles des mathématiques, lui proposa un pari en se faisant fort de découvrir d'abord par quelle voie ce frère, qui était son rival, avait cru trouver la solution de ce problème ; de démontrer ensuite que cette solution était fausse, et en troisième lieu, de donner la véritable solution. Il n'est pas nécessaire d'être Jacques Bernoulli pour redresser les erreurs des gens qui puisent leurs connaissances

dans l'ouvrage de M. Fontaine. Je me crois déjà tout-à-fait en mesure de donner, dans la plupart des cas du moins, la véritable solution du problême que croient avoir résolu certains magistrats, lorsqu'ils me condamnent comme coupable d'avoir soustrait aux bibliothèques de la France, des autographes qui, depuis quelques années, se sont répandus partout. Ainsi, pour ne citer qu'un seul exemple, on voit par les extraits publiés de l'acte d'accusation et par des indiscrétions qui ont été commises, que je suis accusé de m'être approprié des autographes appartenant à l'Observatoire, ou au Bureau des Longitudes, et à l'Institut de France(1). Afin de mettre les magistrats sur la voie de la véritable solution de ce problême, je les engagerai à lire aux pages 57 et 58 du Catalogue de vente(2) des livres de feu M. Jean Nicolas Buache, membre de l'Institut et du Bureau des Longitudes, Hydrographe en Chef du Depôt des Cartes, et Plans de la Marine, l'indication de quatre-vingt-neuf cartons ou portefeuilles remplis d'autographes de toute nature, parmi lesquels se trouvent neuf cartons contenant (le catalogue en fait foi) la correspondance de Joseph Nicolas De l'Isle, et de son frère, Louis De l'Isle de la Croyère, avec Euler, Bayer, Gmelin, Mairan, Buffon, etc(3). Tout le monde sait que les manuscrits de Joseph Nicolas De l'Isle, ainsi que ceux de Louis de l'Isle de la Croyère, étaient déposés en totalité aux Archives de la Marine et à la Bibliothèque de l'Observatoire(4). Les quatre-vingt-neuf portefeuilles ou

(1) Voyez le *Droit*, ainsi que les excellentes *Lettres à M. Hatton*, par M. P. Lacroix, p. 15.

(2) Cette vente eut lieu au mois de Juillet 1826; le catalogue qui se distribuait chez M. J. S. Merlin, fut imprimé chez Mme. Huzard.

(3) Voyez plus loin, page 31, la note III, où l'on reproduit fidèlement la description imprimée dans le Catalogue Buache.

(4) Il n'est pas nécessaire d'appuyer sur de nombreuses citations un fait si connu. Ceux qui voudraient, sans faire beaucoup de recherches, savoir comment le gouvernement acheta l'immense collection de Joseph Nicolas De l'Isle, et la plaça au Dépot de la Marine, avec les manuscrits de son frère Louis De l'Isle de la Croyère, peuvent consulter la *Biographie Universelle*, (tome XI, p. 6—7). Dans la *Bibliographie Astronomique* de J. De la Lande, ancien directeur de l'Observatoire (Paris, 1803, in-4to.), où il est si fréquemment question des manuscrits des deux frères De l'Isle, (p. 46, 263,

CARTONS qui, sans exciter aucunement l'attention de l'autorité, furent vendus a cette époque par l'entremise de M. J. S. Merlin, libraire très honorable et très connu, étaient en outre remplis d'une foule de lettres et de documents tirés des Archives et de la Bibliothèque de l'Institut, ainsi que des correspondances des Missionaires, d'Hévélius, de Cassini, etc. etc. Ces manuscrits se sont répandus partout; ils ont figuré par parties dans vingt ventes diverses, et j'en ai acheté à différentes époques un nombre considérable. Depuis le commencement de cette procédure je m'en suis procuré plusieurs qui avaient figuré dans d'autres ventes, après la vente Buache, et qui sont remplis de pièces bien propres à jeter une grande lumière sur la manière dont ces précieux documents ont pu sortir des établissements publics où ils étaient conservés. Si le besoin de ma défense l'exige, je publierai quelques-uns de ces documents. Je ne cite aujourd'hui que ce seul fait. En temps opportun, j'en ferai connaître beaucoup d'autres encore plus piquants.

Tout ce que je viens de dire, Monsieur l'Administrateur, doit vous prouver qu'il me serait fort difficile de prévoir aujourd'hui si les circonstances me permettront d'aller avant le premier Décembre, purger ma contumace à Paris. J'aurais pu attendre jusqu'au dernier jour pour répondre à la lettre que vous m'avez fait l'honneur de m'adresser; mais la résolution de l'Assemblée des professeurs, résolution dont j'apprécie la signification bienveillante, m'a porté à répondre sans délai. Un motif grave s'oppose à ce que, dans toutes les hypothèses, je puisse occuper désormais au Collège de France la chaire que je devais au suffrage honorable de mes confrères. Depuis le mois dernier, je suis devenu citoyen Anglais. Ce n'est pas là une formule banale de naturalisation comme celle de certain astronome Français qui dans un voyage assez récent briguait l'honneur d'être nommé citoyen de je ne sais quelle ville de l'Angleterre ou de l'Ecosse; c'est la résolution sérieuse d'un homme privé injustement des droits de citoyen que, dans des temps meilleurs on lui avait conférés

356, 385, 395, 588, etc.) on voit qu'après la révolution, cette immense collection se trouvait en partie au Dépot de la Marine, en partie à l'Observatoire, et que *tous les manuscrits de De l'Isle* étaient encore dans les établissemens de l'Etat, lorsque De la Lande écrivait.

en France, et qui accepte avec reconnaissance l'honneur que lui fait le gouvernement Anglais, en lui conférant la naturalisation Anglaise. Dans les circonstances où elle a eu lieu, chez un peuple jaloux de ses droits, et qui sait respecter les lois, cette naturalisation a une signification toute particulière. Elle prouve que, de ce côté du détroit, on juge sévèrement les graves irrégularités qui ont signalé la persécution dirigée contre moi en France, et qu'on ne croit pas indigne de jouir des droits de citoyen Anglais un homme qu'on vient de rejeter si violemment du sein de la société Française. L'année dernière, et lorsqu'on m'accusait à Paris d'avoir dépouillé les Bibliothèques publiques de la France, une Commission du Parlement Anglais me faisait l'honneur de me consulter sur l'état de ces mêmes Bibliothèques que j'étais censé avoir mises au pillage. Cette année, à un coup plus violent on répond par un acte plus considérable encore. Si je perds les droits de citoyen en France, je les retrouve chez une nation où ils ne sont pas moins tenus en considération ; et pendant que de l'autre côté de la mer un tribunal prétend me flétrir, à Londres je reçois déjà l'invitation de me tenir prêt pour le cas où je serais appelé à faire partie du jury. Ce n'est que dans des temps de révolution qu'on voit de pareilles vicissitudes, de tels contrastes, et il est doux de rencontrer dans un pays de légalité quelques consolations aux outrages auxquels on est exposé dans des pays où les lois sont moins respectées.

Je vous prie, Monsieur l'Administrateur, d'offrir à mes savans confrères mes adieux, avec l'hommage de ma reconnaissance la plus vive pour l'honneur qu'ils m'avaient fait en m'appelant dans leur sein. Ce n'est pas sans douleur qu'on brise des liens si chers, si honorables. En quittant le Collège, c'est la France que je quitte, et malgré le mal qu'on m'y a fait, je ne pourrai jamais oublier ni les honneurs qu'on m'y a rendus, ni surtout les amis que j'y laisse et qui n'ont jamais cessé de me soutenir de leur estime et de leur affection. Un temps viendra, où la France s'apercevra que j'ai été la victime des mauvaises passions.

Agréez, Monsieur l'Administrateur, l'assurance de mes sentiments les plus distingués.

G. Libri.

# NOTES.

# NOTES.

# NOTE I.

Voici le chapitre consacré aux *Femmes distinguées* dans l'ouvrage de M. Fontaine, et dont il a été question précédemment à la page 21 :

"§. VIII. *Femmes distinguées dans les Lettres.*

"539. Lafayette (Marie Madeleine Pioche de la Vergne, comtesse de), à Mlle. de Scudéry, 1688, L. A. S., 40 fr.

540. Deshoulières (Mlle), L. A. S., 21 fr.

541. De la même, sept stances irrégulières sur "l'honneur que "M. de Corneille m'a fait de me nommer dans son Dictionnaire uni-"versel." Aut., 22 fr.

542. Châtelet (madame la Marquise du), L. A. de quinze pages à Saint-Lambert, 17 fr.

543. Tencin (madame de), au duc de . . ., L. A., 6 fr.

544. Graffigny (madame de), L. A. S. à Devaux, lecteur du Roi de Pologne, 9 fr.

545. De la même, disposition testamentaire, du 17 mai 1745, au sujet des lettres à remettre, en cas de décès, à M. Devaux, 10 fr.

550. Arnauld (Ant.), avocat, puis conseiller d'état, 5 septembre, 1610, pièce signée, et treize lignes aut., 3 fr.

551. Arnauld (d'Andilly), 12 juillet 1636, au maréchal de Brézé, L. A. S., 6 fr. 05 c.

552. Arnauld (Robert), frère du précédent, au même, 3 septembre 1636, L. A., 6 fr.

553. Arnauld (Henri), abbé de Saint Nicolas, frère de Robert, L. A. S., de Rome, 17 février 1648, 3 fr.

554. Silhon (Jean), membre de l'Académie française, L. A. S., 13 fr. 50 c.

555. Valincourt, membre de l'académie française, et de celle des sciences (ami de Boileau), 26 novembre 1724, L. A. S., 12 fr.

557. Beaumarchais (Caron de), au duc de * * *; sans date, L. A. S. 16 fr. 50 c.

"Cette pièce honore son auteur Beaumarchais y offre sa belle maison de Pantin, et envoie sa bourse au duc de . . ., menacé d'une très prompte lettre de cachet."

558. Manuel, conventionnel, billet A. S., à Brissot, 7 fr.

563. Lenclos (Ninon de), à l'abbé d'Hautefeuil (sic) L. A., ni datée, ni signée, 74 fr.

564. Léon de Beaumont (Charlotte Geneviève Louise), à M. Desjobert, 18 décembre 1802, L. A. S., 20 fr.

564. La Motte (Comtesse de), *affaire du collier*, 18 mai 1783, L. A. S. au Lieutenant de Police Lenoir, etc. etc."

# NOTE II.

Comme je l'ai annoncé plus haut (pag. 21) je crois devoir donner ici le chapitre de l'ouvrage de M. Fontaine où certain expert a probablement étudié le classement chronologique des autographes :

"XV^e. SIÈCLE.

"Jean, comte d'Angoulême, grand-père de François Ier, lettre signée, à Charles d'Orléans son frère. Vendue 5 fr. 95 c.

Charles VII, roi de France, billet adressé à La Hire, signé. Vendu 50 fr. 50 c.

" La Hire fut un de ceux qui contribuèrent à rétablir Charles VII, " sur le trone, ce fut lui qui fit lever le siège de Montargis."

Charles VIII, signature au bas d'une pièce. Vendue 3 fr. 05 c.

Louis XI, lettre au duc d'Orléans, père de Louis XII, signature, vendue 27 fr. 50 c.

—Autre lettre, entièrement de sa main et signée, très curieuse ; on croit qu'il n'était pas encore roi. Vendu 51 fr.

Sorelle (*sic*) (Agnès), dite *Dame de Beauté*, signature au bas d'une quittance sur parchemin, avec la copie. Vendue 53 fr.

Bourbon (le cardinal de), (*Charles X. Un instant roi pendant la Ligue*) pièce signée. Vendue 11 fr.

Calvin (Jean), second chef de la réforme au XVIe siècle, pièce signée. Vendue 30 fr.

Estrées (Gabrielle d'), maîtresse de Henri IV, lettre signée, avec une copie. Vendue 410 fr.

François Ier, lettre (signature) à Lantrac (sic), gouverneur du Milanais. Vendue 90 fr.

Henri III, lettre (signature) au maréchal Matignon pour s'unir aux prières demandées aux archevêques et évêques de France pour obtenir un fils. Vendue 12 fr.

Montaigne (Michel de), auteur des *Essais*, lettre signée, 699 fr.

Voir, au sujet de cette lettre, les feuilletons du *Journal de la Librairie*, No. 19, 10 mai 1834, et 22 et 21 mai 1834, et la brochure : *Utilité des collections d'autographes*, etc., p. 12.

Montmorency (le connétable Anne de), lettre (signature) avec la formule de politesse de sa main. Vendue 16 fr. 50 c."

# NOTE III.

Voici l'extrait du Catalogue Buache où se trouvent décrits les manuscrits de De l'Isle mis en vente en 1826 (Voyez ci-dessus, pag. 23) :

"No. 661.

"Un Carton de Papiers relatifs à Joseph Nic. De l'Isle, de l'Académie des Sciences de Paris, de Berlin et de Saint Pétersbourg ; et à Louis De l'Isle de la Croyère, son frère, consistant principalement en une correspondance, depuis leur arrivée en Russie, avec les Savans les plus distingués du nord de l'Europe, et dans laquelle ou distingue nombre de lettres autographes d'Euler, de Bayer, de Gross, de Mayer, de Gmelin, &c.

"Deux autres Cartons contenant la correspondance particulière de De l'Isle de la Croyère dans le cours de ses voyages au Gouvernement d'Archangel et en Sibérie, en 1727, 28 et 29 ; un mémoire sur son second voyage en Sibérie, commencé en 1734 ; et sa correspondance, pendant ce second voyage, jusqu'à son décès en 1741, dans laquelle sont des lettres autographes de Gmelin, de Muller, de Steller de Lürsenius, de Fischer et du Capitaine Bering qui commandoit l'expédition.

"Six autres Cartons de Papiers relatifs à Jos Nic. de l'Isle depuis 1719 jusqu'en 1747, époque de son retour en France. On y voit la suite de ses nombreux travaux à l'Académie de Saint Pétersbourg et les persécutions que l'envie de quelques membres de cette Académie lui suscita ; sa correspondance renferme des lettres de plusieurs Savans français et étrangers, Dortous de Mairan, Buffon, Euler, &c.

"No. 662.

"Une Collection de plus de quatre mille Cartes géographiques et topographiques, de Plans et de Vues, tant gravés que dessinés, et environ quatre-vingts Portefeuilles et Cartons renfermant une grande quantité de Pièces imprimées et manuscrites sur diverses parties des sciences et des arts, sur la géodésie, l'astronomie, la navigation, les belles-lettres, la géographie, et l'histoire."

LONDRES:
Imprimé par Schulze et Cie., 13, Poland Street.

A SHORT

# HISTORY OF THE MORMONITES;

OR,

## LATTER DAY SAINTS.

WITH AN ACCOUNT OF

THE REAL ORIGIN OF THE BOOK OF MORMON.

COMPILED FROM VARIOUS SOURCES.

BY

THE REV. JOHN FRERE, M.A.,

CHAPLAIN TO THE LORD BISHOP OF LONDON;
AND RECTOR OF COTTENHAM, IN THE DIOCESE OF ELY.

"FALSE PROPHETS SHALL ARISE, AND SHALL DECEIVE MANY."
S. MATT. XXIV. 11.

LONDON:
JOSEPH MASTERS, ALDERSGATE STREET,
AND 78, NEW BOND STREET.

MDCCCL.

LONDON:
PRINTED BY JOSEPH MASTERS,
ALDERSGATE STREET.

## ADVERTISEMENT.

THE following pages lay no claim to originality, the writer's aim being merely to bring within a small compass such general information as he thinks may be useful and acceptable to those who have no opportunity of consulting larger treatises. He is indebted mainly to the Rev. Henry Caswall, whose "Prophet of the Nineteenth Century," and whose "City of the Mormons, or three days at Nauvoo," have been before the English public since the year 1843, and whose interesting and instructive volumes he begs to recommend to those who may wish for fuller information. He has also referred to the seventh article in the "English Review" for the month of June in the present year, and to some of the works and tracts distributed by the Mormon emissaries in England.

# A Short History of the Mormonites.

---

The Mormonites, or as they now profanely prefer to style themselves "The Church of Jesus Christ of Latter-day Saints," originated in the present century; they were founded by Joseph Smith, an American, of low birth, and no education. Their tenets are so wild and extravagant that nothing but the fact of so many thousands having given credit to them would make them worthy of a serious consideration.

In America there is no established Church, and no parochial organization; and men make a boast of their complete "civil and religious liberty," which means a freedom from all restraints in matters affecting the conscience. In America, therefore, the development of enormous growths, such as that of Mormonism, might have been anticipated; and if this evil had remained confined to that country, we might have contemplated its progress, or marked its decline, with no other feelings than those with which we study the rise and progress of Mahomedanism; or of any of the exploded forms of ancient misbelief.

But the mischief has reached our own shores, and has found in England a congenial soil: It has established itself in our larger towns; it has penetrated into the heart of our rural population. A moral pestilence, it sweeps away its victims year by year, and threatens to become acclimated amongst us.

Multitudes have already gone to join the standard of Joseph Smith in America: as far back as the year 1842, five thousand had already emigrated, and those not of the

labouring class, but principally from the rank above them. Since that date perversion and emigration have been constantly going forward, and a writer in the English Review, for June in the present year, assures us, that there is good reason to believe that the number of Mormonites, now in England, is not much under 30,000—that is, thirty thousand now here; not counting the far greater number who have left their country, and it is to be feared their country's faith; giving up themselves, and their worldly substance, to the mercies of rapacious adventurers; and, what is worse, consigning their wives, and their innocent children, to the delusions of a fanatical impiety.

It is plain then that the mischief cannot be neglected, especially in places where it has begun to show itself; it is due to our fellow countrymen to put them on their guard; and this may best be done by a short detail of the facts connected with the rise of this imposture, and by an exhibition of the thing itself, as far as it has hitherto been manifested.

Joseph Smith was born in the year 1805, in Windsor county, in the State of Vermont; his father was a small farmer, of no particular religious opinions, and addicted to intemperance, and other vicious habits; he was married to a woman who does not seem to have been superior to her husband, by whom he had seven sons and three daughters. "From a variety of documents, certified before proper tribunals, it is evident that the father and sons were notoriously addicted to falsehood, drunkenness, and idleness; that they frequently boasted their skill in deception, and were also suspected of gaining their livelihood partly by theft. They spent much of their time in digging for money, which they pretended had been hidden in the earth during the revolutionary war; and to this day many of their excavations are still to be seen in the neighbourhood of Manchester. For breach of contracts, nonpayment of debts and borrowed money, and for duplicity, the whole family was notorious; their object being, apparently, to live without work upon the industry of others.

"In this school of villany Joseph was trained from a child; and finally became the most distinguished of his vagrant family for cunning, and unscrupulous audacity."

When Joseph was about fifteen years of age, one of the American "Revivals," as they are called, took place in

their neighbourhood. These revivals consist in continuous and exciting preaching, carried on in large camp meetings, day and night; and followed by exhibitions of fanaticism, like in kind, (but much more intense in degree) to those which are known to take place in Methodist Meeting-houses in our own country. The people melt into tears; fall into convulsions; and exhibit frantic gestures, mingled with groans, and extravagant exclamations; which their preachers encourage them to believe are the work of a Divine power.

The "Revival" we are now speaking of began with the Methodists, but soon affected the whole district. The usual strife for proselytes commenced among the Methodist, Baptist, and Presbyterian Sects. Joseph Smith's mother, three of his brothers, and a sister, joined the Presbyterians, Joseph himself expressed some partiality for the Methodists, but never attached himself to their society; declaring himself unable to decide among so many conflicting opinions, which was right, and which was wrong. Notwithstanding, however, the new professions of the family it does not appear that its character was materially improved.

We now come to an incident of some importance in the history of this delusion.

In the year 1822, while Joseph Smith was employed in digging a well, in company with his brother Hyrum, and a person named Chase, the last mentioned individual found a curious stone, about twenty feet from the surface, and brought it to the top of the well. Joseph immediately placed it in his hat; alleging, that, by putting his hat over his face, he could see great wonders in the stone. Chase accordingly valued it highly; but Joseph Smith succeeded in obtaining it from him; and his father hereupon claimed for him a kind of second sight; namely a power of looking into the depth of the earth, and discovering hidden treasures. When the worthless family engaged in their nocturnal excursions for money digging, Joseph was their guide; putting the wonderful stone into his hat, and then closing the hat over his face he pretended to decide by the appearance of the stone, where they should begin to excavate.*

* Caswall's "Prophet of the Nineteenth Century," pp. 27 28—30.

In the autumn of 1826 a circumstance occurred which seems to have suggested to him the course which he afterwards pursued—and which has been deposed on the oath of one Peter Ingersol, to have been related to him by Smith himself as follows.

While walking in the woods he happened to find some beautifully white sand, which had been washed up by a stream of water, and deposited in a hollow; he took off his frock, tied up some quarts of it, and returned home. On entering the house he found the family at dinner; and when they expressed their desire to know what was in his frock, he gravely told them that it was the "Golden Bible." He had heard somewhere of such a treasure, and the thought suddenly came into his mind; but he was very much surprised to find that they believed him, and were eager to see the wonderful book. Joseph solemnly told them that no man would see it with the naked eye and live; but that if they were willing to take the consequences he was quite ready to show it to them. They now positively refused to see it, and fled from the apartment in great consternation.—"Now," thought Joseph to himself, "I have got the fools fixed, and I'll carry out the fun."

There was residing in Palmyra at that time, one Martin Harris, a farmer of some property.—He had been first a Quaker, then a Methodist, afterwards an Universalist, then a Baptist, and next a Presbyterian—and now he was nothing at all. He had always been a firm believer in dreams, visions and apparitions; and for some time had expressed his conviction that Smith, by means of the miraculous stone, could see into the earth, and discover any secret he desired.

From this man, Smith obtained a sum of fifty dollars; and further persuaded him to raise more money by the mortgage of his farm, in order to defray the expense of printing his pretended golden Bible, which he represented to be composed of plates of the thickness of tin, clasped together by rings of gold, and of very great value.

These plates, he said, had been discovered to him by an angel, and he offered to deposit them with Harris as a security for his money, enlarging much on the profits that would accrue from the publication of the work, which contained, as Smith pretended, a revelation given to some of the Israelites who had emigrated in Zedekiah's reign from

Jerusalem to America; and, after a succession of reverses, had perished; leaving their sacred writings engraved on these golden plates, which had been deposited by Moroni the son of Mormon, the last of their prophets, in the earth; to be found in the last days after an interval of 1427 years by Joseph Smith.

The characters graven upon the golden plates were, as Joseph Smith pretended, unknown at the present day; he termed them Egyptian hieroglyphics. The language also in which the records were written was extinct; but by the aid of the wonderful stone, and, as he blasphemously added, "by the gift and power of GOD," he was enabled to decipher and translate it.

In order to convince Harris that there really was such a treasure as he pretended, he had the audacity to give him a paper upon which he had drawn certain strange characters, purporting to be a copy from some of the golden plates; and this he told him he might submit to some learned person for examination, who would soon satisfy him as to the security of the investment.

With this precious document Harris set out from his home near Palmyra, a distance of three or four hundred miles, to New York; he obtained access to Professor Anthon, of Columbia College, a gentleman well known in England for his valuable editions of several of the classics. Parley Pratt, Joseph Smith's chief emissary in England, relating this story, informs us that Professor Anthon treated the manuscript with great respect, and professed an opinion, that although he was unable to decipher it, something might be made out from the plates themselves, if he could have an opportunity of inspecting them: this, however, is a misrepresentation of the matter; what Professor Anthon told Martin Harris was, that some cunning fellow was endeavouring to impose upon him, and that the strange characters scrawled upon the paper which he presented to him, were nothing but letters of the Greek and Hebrew alphabet, intermixed with figures of stars, and concluding with a rude imitation of the Mexican Zodiac; at his request he gave him a written certificate to this effect, which so far satisfied Harris, that he determined to have nothing more to do with Joseph Smith, and his golden Bible.

However, on his return home, with an unaccountable, but not very uncommon infatuation, he departed from this

wise resolution; and abandoned himself entirely to the delusion. The fact that Smith was an obscure and illiterate person, seemed to him a proof of his inspiration; and he declared his determination that the golden Bible should be published, even though the cost of it should consume the whole of his worldly substance. Soon after his return from New York, he followed Joseph Smith, who had gone before to Pennsylvania.

It was now the summer of 1828, and Smith proceeded openly to announce his new revelation.

Seated in a private room, and screened from sight by a blanket, he dictated a romantic fiction, which poor Martin Harris wrote down from his mouth, on the other side of the curtain; not daring to peep at the impostor, for fear of arousing the most terrible divine displeasure, which he was told would overtake his temerity, if he should venture to draw near while the work was going forward.

In this manner 116 pages had been completed, which Harris took home and locked up safely, as he thought, in a drawer.

His wife, however, who seems to have had as little faith in her husband's wisdom, as she had in Smith's honesty, removed the upper drawer, which had been left unlocked, and so abstracted the document and concealed it; with the intention, as she states, of producing it at some future time, if Smith should be so unwise as to attempt to have it rewritten, for she felt certain that no second copy existed, and that the contrivers of the fraud would not be able to reproduce an exact copy of the original. But she had to do with a man who was not so easily to be outwitted. Smith pretended a Revelation from Heaven, rebuking him for negligence, and commanding a suspension of the work.

Ten months elapsed, during which time every effort was made for the recovery of the missing pages; but all in vain; and notwithstanding a cruel beating which Harris inflicted upon his wife, whom he justly considered as the author of his misfortune. At last forth came another "Revelation," to the effect that "the lost account, notwithstanding my utmost exertions to recover it again," not having been found, was *not* to be retranslated, because Satan had put it into the hearts of those who had committed the theft to alter the manuscript, and by this

means to endeavour to discredit the whole work, "a thing which the LORD would not permit Satan to accomplish."

The missing parts were therefore to be supplied by a translation from other plates, termed the plates of Nephi, and to be published as the Record of Nephi.

Mrs. Harris' scheme, though it partially failed, was so far successful, that it blasted the credit of the whole affair, if ever it had any. At least it seems to have shaken her husband's credulity, notwithstanding the ascendancy which Joseph Smith had established over his weak and disordered intellect, for even *his* faith now began to waver, and we find him asking for "greater witness," and demanding a sight of the plates.

Smith put him off upon various pretences; but at last perceiving that he must in some way be pacified, he told him that it had been "revealed," that the plates should be shown to three chosen individuals, *and to three alone*, who should assist in bringing out the work. He also informed him that they were not to be seen with the naked eye, but in a mystical manner; and, strange as it may appear, he succeeded in persuading him, and not him only, but two other persons also, that they had thus seen the plates; one of these persons was named David Whitmer; the other, Oliver Cowdery, a school teacher, and Baptist preacher; these three, Harris, Whitmer, and Cowdery, actually signed a certificate, which is now prefixed to the book of Mormon, in which they declared that an angel had descended from heaven, and laid before their eyes "the plates with the engravings thereon." They also certified that the angel declared that "the plates had been translated by divine power." But the weight due to this testimony may be estimated by the fact, that so simple a matter as seeing golden plates, if they really are to be seen, does not require the intervention of an angel; and moreover Harris, when closely questioned by a sensible gentleman dwelling in Palmyra, declared that he did not see them exactly in the same manner as he saw any other visible object; but "with the eye of Faith, and by the power of GOD, not of man;" which, if it means anything, means that he never saw them at all; especially when he added afterwards, that they were "all the time covered over with a cloth."

To this testimony of Cowdery, Whitmer, and Harris, that of eight other witnesses was afterwards added, although

it had been "*revealed*" once, that the privilege was to be confined to *three* chosen individuals. These eight additional witnesses were Joseph Smith the elder, and two of his sons, Hyrum and Samuel, with four brothers of the same Whitmer who had signed the original certificate, and Hiram Page.

They declared that Joseph Smith had shown them the plates; that they had handled them, and had also seen the curious engravings upon them: all the eleven witnesses, however, were men, it is to be observed, deeply engaged in the imposture; and expecting to make a fortune by it. Six out of the eleven have since revolted from Mormonism, and have become its opponents. Three died in its profession; the two others are Hyrum and Samuel Smith, own brothers of the impostor.

The whole matter appears so highly incredible, and the first authors of it so little worthy of confidence, that it is truly astonishing that so many persons should have allowed themselves to be deceived by it; especially when the impious pretensions of the book itself, upon which the whole matter depends, are considered.

This book purports to be a *new revelation* given to Joseph Smith *by means of an angel;* it professes to found itself on Scripture, and yet makes important additions to Scripture; as for instance, that it is *an inspired volume of equal authority with the Old and New Testament;* that Joseph Smith is a true prophet, bearing a direct commission from JEHOVAH; and that there is no salvation for any man but by embracing his doctrines; thus putting him on a footing with our Blessed LORD Himself, as far as the office of a divine teacher is concerned.

This book may therefore be termed, in S. Paul's language, "another gospel, which is not another," professing to acknowledge the gospel of CHRIST, it teaches that which makes the gospel void; to this imposture, then, the words of the same Apostle seem peculiarly applicable, "Though we, or *an angel from heaven*, preach any other gospel unto you than that which we have preached, let him be accursed." (Gal. i. 8.)

But if this book thus carries its own confutation with it, an account of its real origin will convince any unprejudiced person that it is the most impudent forgery that ever was attempted to be palmed upon the credulity of mankind.

One thing, we may remember, which confirmed poor Martin Harris in his delusion, was the fact that Joseph Smith was an illiterate person, who was so far from being able to compose a work like the book of Mormon, that he could not even write his pretended translation with his own hand.

Mahomet, too, was illiterate, or pretended to be so; and he made use of the same argument in proof of *his* imposture; when asked for a miracle, he replied, that *the Koran was itself a miracle.*

The argument, if good for anything, is just as good for Mahomet as for Joseph Smith; in neither case, however, is it very convincing; there is reason to suppose that Mahomet was not so ignorant as he would have the world believe. As for Joseph Smith, no one ever gave him credit for much learning; but there are other ways, short of inspiration, by which the production of the Book of Mormon may be accounted for. The reader will recollect that the pretended translation was conducted behind a curtain; and perhaps instead of looking at golden plates, through magic spectacles, the impostor was merely looking at a written paper with his natural eyes.

That he was in reality thus employed, is made more than probable by the testimony of Mrs. Davison, formerly the wife of one Solomon Spaulding, which was published in a Boston paper of May the 1st, 1839, with the following certificate attached:

"Rev. Solomon Spaulding was the first husband of the narrator of the above history. Since his decease, she has been married to a second husband by the name of Davison. She is now residing in this place; is a woman of irreproachable character, and an humble Christian, and her testimony is worthy of implicit confidence.

"A. Ely, D.D. Pastor Cong. Church in Monson.

"D. R. Austin, Principal of Monson Academy.

"*Monson, Mass. April* 1, 1839."

Mrs. Davison's testimony is as follows:

"As the *Book of Mormon*, or *Golden Bible*, (as it was originally called) has excited much attention; and is deemed, by a certain new sect, of equal authority with the sacred Scriptures, I think it a duty which I owe to the public, to state what I know touching its origin.

"That its claims to a divine origin are wholly unfounded, needs no proof to a mind unperverted by the grossest delusions. That any sane person should rank it higher than any other merely human composition, is a matter of the greatest astonishment; yet, it is received

as divine by some who dwell in enlightened New England, and even by those who have sustained the character of devoted Christians. Learning recently that Mormonism had found its way into a church in Massachusetts, and has impregnated some with its gross delusions, so that excommunication has been necessary, I am determined to delay no longer in doing what I can to strip the mask from this mother of sin, and to lay open this pit of abominations.

"Solomon Spaulding, to whom I was united in marriage in early life, was a graduate of Dartmouth College, and was distinguished for a lively imagination and a great fondness for history. At the time of our marriage, he resided in Cherry Valley, New York. From this place, we removed to New Salem, Ashtabula county, Ohio, sometimes called Conneaut, as it is situated on Conneaut Creek. Shortly after our removal to this place, his health sunk, and he was laid aside from active labours. In the town of New Salem, there are numerous mounds and forts, supposed by many to be the dilapidated dwellings and fortifications of a race now extinct. These ancient relics arrest the attention of the new settlers, and become objects of research for the curious. Numerous implements were found, and other articles evincing great skill in the arts. Mr. Spaulding being an educated man, and passionately fond of history, took a lively interest in these developments of antiquity; and in order to beguile the hours of retirement, and furnish employment for his lively imagination, he conceived the idea of giving an historical sketch of this long lost race. Their extreme antiquity led him to write in the most ancient style, and as the Old Testament is the most ancient book in the world, he imitated its style as nearly as possible. His sole object in writing this imaginary history was to amuse himself and his neighbours. This was about the year 1812. Hull's surrender at Detroit, occurred near the same time, and I recollect the date well from that circumstance. As he progressed in his narrative, the neighbours would come in from time to time to hear portions read; and a great interest in the work was excited among them. It claimed to have been written by one of the lost nation and to have been *recovered from the earth*, and assumed the title of 'Manuscript found.' The neighbours would often inquire how Mr. Spaulding progressed in deciphering the manuscript; and when he had a sufficient portion prepared, he would inform them, and they would assemble to hear it read. He was enabled from his acquaintance with the classics and ancient history to introduce many singular names, which were particularly noticed by the people, and could be easily recognized by them. Mr. Solomon Spaulding had a brother, Mr. John Spaulding, residing in the place at the time, who was perfectly familiar with the work, and repeatedly heard the whole of it read. From New Salem, we removed to Pittsburgh, Pa. Here Mr. Spaulding found a friend and acquaintance, in the person of Mr. Patterson, an editor of a newspaper. He exhibited his manuscript to Mr. Patterson, who was very much pleased with it, and borrowed it for perusal. He retained it for a long time, and informed Mr. Spaulding that if he would make out a title page and preface he would publish it, and it might be a source of profit. This Mr. Spaulding refused to do. Sidney Rigdon, who has figured so largely in the history of the Mormons, was at that time connected with the printing office of Mr. Patterson, as is well-known

in that region, and as Rigdon himself has frequently stated, became acquainted with Mr. Spaulding's manuscript, and copied it. It was a matter of notoriety and interest to all connected with the printing establishment. At length, the manuscript was returned to its author, and soon after we removed to Amity, Washington county, &c., where Mr. Spaulding deceased in 1816. The manuscript then fell into my hands, and was carefully preserved. It has frequently been examined by my daughter, Mrs. M'Kenstry, of Monson, Mass., with whom I now reside, and by other friends.

"After the book of Mormon came out, a copy of it was taken to New Salem, the place of Mr. Spaulding's former residence, and the very place where the manuscript found was written. A woman preacher appointed a meeting there; and in the meeting read, and repeated copious extracts from the book of Mormon. The historical part was immediately recognized by all the older inhabitants, as the identical work of Mr. Spaulding, in which they had all been so deeply interested years before. Mr. John Spaulding was present, and recognized perfectly the work of his brother. He was amazed and afflicted, that it should have been perverted to so wicked a purpose. His grief found vent in a flood of tears, and he arose on the spot, and expressed to the meeting his sorrow and regret that the writings of his deceased brother should be used for a purpose so vile and shocking. The excitement in New Salem became so great, that the inhabitants had a meeting, and deputed Dr. Philastus Hurlbut, one of their number, to repair to this place, and to obtain from me the original manuscript of Mr. Spaulding, for the purpose of comparing it with the Mormon Bible, to satisfy their own minds, and to prevent their friends from embracing an error so delusive. This was in the year 1834. Dr. Hurlbut brought with him an introduction, and request for the manuscript, which was signed by Messrs. Henry Lake, Aaron Wright, and others, with all of whom I was acquainted, as they were my neighbours when I resided at New Salem. I am sure that nothing would grieve my husband more, were he living, then the use which has been made of his work. The air of antiquity which was thrown about the compositions doubtless suggested the idea of converting it to purposes of delusion. Thus an historical romance, with the addition of a few pious expressions and extracts from the sacred Scriptures, has been construed into a new Bible, and palmed off upon a company of poor deluded fanatics as Divine. I have given the previous brief narration, that this work of deep deception and wickedness may be searched to the foundation, and the authors exposed to the contempt and execration they so justly deserve.

"MATILDA DAVISON."

The above statement of Mrs. Davison has been the subject of careful investigation by persons interested in unmasking the Mormonite imposture, and has not only been found correct, but has been confirmed by many circumstantial details, which are briefly recorded in Mr. Caswall's Prophet of the Nineteenth Century, chap. ii. It has indeed been

denied by Sidney Rigdon, in a letter bearing date, May 29, 1839, but he was then deeply interested in the success of the imposture, being a partner in the fraud; and, moreover, he has since confessed his error, by seceding from Joseph Smith, "the feelings of a father overcoming every other consideration on his making the discovery that the impostor had attempted to add his daughter to the number of his *spiritual wives*."

"Mrs. Davison's account, then, suffices to authenticate the quarter from which Joseph Smith derived the materials of a work which he was by no means qualified by his education to compose: nor can there be any doubt that it was by means of Sidney Rigdon, that Spaulding's manuscript found its way out of the printing-office at Pittsburgh, into the hands of Joseph Smith."

This man, Sidney Rigdon, was originally a preacher among the Campellite Baptists of Kirtland, and there can be little doubt, that having got possession of Solomon Spaulding's papers, he formed a design of palming them off upon the world as a divine revelation, and "employed for this purpose Joseph Smith, a loose vagabond, whom his habits and reputation as a money-digger, gifted with supposed supernatural endowments, pointed out as a proper instrument for so audacious an attempt. The pretended translation from behind the curtain, of which Martin Harris was made the dupe, being nothing more than the dictation of Spaulding's romance, with such alterations and embellishments as would suit the particular purpose which the two confederates had in view."*

As to Solomon Spaulding, it is to be regretted that his talents were not better employed. To dress up a fiction in the language of Holy Writ, *imitating as nearly as possible the style of the Old Testament*, for the amusement of himself and his friends, merely because "the Old Testament is the most ancient book in the world," without the slightest regard for its sacred character, strikes us as very shocking and profane. And that a society of persons calling themselves Christians, should have endured to hear such a composition "repeatedly read," and should have listened to it with approbation, speaks but ill for the tone of religious feeling prevalent among them.

* "English Review," pp. 420, 421. Clarke's "Mormonism Unmasked," pp. 17—19.

What too is to be thought of Mr. Patterson, the bookseller at Pittsburg, who was so *very much pleased* with this work, and *wished to publish it*, without seeming to be aware of the effect of such a desecration on the public mind? What too of the public in general, among whom such a profanation was thought likely to be "a source of profit?" Is it not plain that the same persons who could endure, and even applaud, the irreverence of Solomon Spaulding, were at least in some measure prepared for the blasphemies of Joseph Smith?

Mr. John Spaulding, indeed, when he heard his brother's manuscript put forward as a new revelation, is represented as having been "amazed and afflicted;" but it does not seem to have struck him that there was a radical profanity in the work itself, suggestive, as Mrs. Davison herself acknowledges, of the evil purposes to which it was afterwards applied; at least that it was a work well fitted for such purposes, and therefore must be esteemed, in no slight degree, answerable for the evils they have entailed on mankind.

The principal object of these pages is to exhibit, in as clear a light as is consistent with brevity, the fact that the Book of Mormon is a gross fraud and imposture, and so to undermine the credit of the whole superstructure of Mormonism, which is based upon that book. The author might have further demonstrated his point by internal proofs drawn from an examination of the book itself; but enough has been done for the purpose he had in view.

Perhaps, however, the present treatise, considered in the light of a warning against Mormonism, might be thought incomplete, if the doctrines of this delusion, and the practices of its votaries are passed over in entire silence; a few words must therefore be devoted to these matters.

First, then, to acquaint the reader with some of the more prominent doctrines of Mormonism, which, for his greater satisfaction, shall be stated, as nearly as possible, in the very words of the Mormonists themselves.

If he should embrace this delusion, he will have to believe that Joseph Smith, notwithstanding his low and villanous character, is a true prophet: and that all he says is to be received upon peril of damnation.

That the Book of Mormon is of equal authority with the

Scriptures of the Old and New Testaments, and that "there is as positive testimony [for it] as has ever been found *in the other Scriptures* concerning any truth which GOD has ever revealed."

That the *sole* intention of prophecy is to make men acquainted with futurity, which supposes that all prophecy may and ought to be understood before its fulfilment. Whereas, we know that some prophecies are sealed until the time of the end, in order that it may *then* appear that GOD has spoken.*

He will have to believe that *all* prophecy is to have a *literal* fulfilment; which was the error of the Jew causing him to reject his SAVIOUR. And who can say whether the same error may not blind the men of these latter days in respect of CHRIST'S second advent?

He will have to believe that there *has been no Church of* CHRIST *upon earth* from the time of the cessation of miracles, until it was revived in Joseph Smith; and that none, for many centuries, can have been saved, except those for whom some living person shall now be baptized by the Mormons, which they call "baptizing for the dead;"† and all this in spite of S. Paul's prophecy, that "Miracles should cease;" and in the face of our LORD'S promise, to be with His Church, *always, to the end of the world*, and that the gates of hell should not prevail against it.

He will have to believe that the "stone cut out without hands," mentioned by the prophet Daniel, is *not* the Church of CHRIST founded by the Apostles; but what Joseph Smith blasphemously calls "the Church of CHRIST," founded by himself.

That no man is a minister of CHRIST unless he has received a *direct* commission from above: and consequently that those, who, like Timothy and Titus, were appointed by the Apostles, were not true ministers, unless they also bore an immediate commission from GOD Himself.

That eternal life is to be spent with CHRIST *on earth*, and not with CHRIST in heaven, although the LORD has willed that His saints should be with Him where He is; and although S. Paul has declared that they shall be

* A Voice of Warning, by Parley P. Pratt, sixth edition: Edinburgh, p. 79; pp. 1—10.

† Book of Mormon. Kingdom of GOD, Part II. by Orson Pratt p. 8. Nauvoo Temple Mysteries, p. 28.

caught up to meet the LORD in the air, and so shall be for ever with the LORD.

He will have to believe that true conversion is the immediate act of GOD, and that man has nothing to do with it, though faith cometh by preaching, that is by man's ministry.

He will have to believe that where miraculous powers are not professed, there is no true Church; and that they have been revived among the Mormonites at the present day; and therefore among other strange and fatal consequences, that men ought not to seek to physicians, but to the Mormon Elders, who will cure them by the laying on of their hands.

He will have to believe that the Mormonites can work miracles, although they do not exhibit them, except to those who already believe. For they say that "a wicked and adulterous generation seeketh after a sign," which shall not be given, because "gifts are for the edifying of the Church," and not for unbelievers; whereas S. Paul expressly declares that "Tongues are for a sign, not to them that believe, but *to them that believe not.*" (1 Cor. xiv. 22.)

He will have to believe that GOD is a material substance, like a man—that He has a body, parts, and passions; eats and drinks: and that all who conceive otherwise of GOD, do not worship the true GOD.

Mr. Caswall, at the end of his "City of the Mormons," has printed the "Mormon Creed," which among other things, states,

That there is no divine punishment for original sin.

That "we are saved through the atonement of JESUS CHRIST, by obedience to the laws and ordinances of the Gospel." In other words, that "we are saved by works, not by faith."

That "the Bible is the Word of GOD, *as far as it is translated correctly;* and *that the book of Mormon also is the Word of* GOD."

Lastly, that the Scriptures do not contain GOD's final revelation to mankind; but that "He will yet reveal many great and important things pertaining to the kingdom of GOD." Upon which it will be sufficient to observe that the Jewish Dispensation was confessedly designed to introduce the Gospel; but that there is nothing leading us to suppose that the Gospel was in like manner designed to

usher in a new revelation; on the contrary, we are told that it is "a kingdom which cannot be moved."

The above are some of the Mormonist doctrines, by which the reader will perceive how far they are from maintaining "the faith once delivered to the Saints."

As to their conduct and practices, Mr. Ruxton, in his "Life in the far West," informs us that the Missourians, among whom they first established themselves, considered them as "bad neighbours, on account of their pilfering propensities, and their utter disregard of the conventional decencies of society; exhibiting the greatest immorality, and endeavouring to establish amongst their society an indiscriminate concubinage." * * * But that they "tolerated their presence among them, until they openly proclaimed their intention of seizing upon the country, and of expelling by force the present occupants; giving, as their reason, that it had been revealed to their prophets that THE LAND OF ZION was to be possessed by themselves alone."*

The end of this was that the Missourians expelled them; and that they fled to "Clay country, where they established themselves, and would finally have formed a thriving settlement, but for their own acts of wilful dishonesty. At this time their blasphemous mummery knew no bounds. Joe Smith, and other 'prophets,' who had lately arisen, were declared to be the chosen of GOD; and it was the general creed, that on the day of Judgment the former would take his stand on the right hand of the judgment seat, and that none would pass into the kingdom of heaven without his seal and touch. One of their tenets was the faith in *spiritual matrimony*. No woman, it appeared, would be admitted into heaven, unless *passed* by a Saint. To qualify them for this, it was necessary that the woman should first be received by the guaranteeing Mormon, as *an earthly wife*." * * * "The consequence of this state of things," says Mr. Ruxton, "may be imagined. The most debasing immorality was the precept of the order, and an almost universal concubinage existed among the sect; which at this time numbered at least forty thousand. Their disregard to the laws of decency and morality was such, as could not be tolerated in any class of civilized society."†

They were again expelled, and emigrated to the State o

* Page 273. † Page 274, 275.

Illinois, where they founded their City of Nauvoo, and built an enormous temple, which they called the Temple of Zion—"half church, half hotel, where Joe Smith and the other prophets resided;" and where they established a mockery of religion, consisting in burlesque* imitations of holy things, in preaching, praying, prophesying, and *dancing*.

Here they organized a regular militia, and openly defied the government; but their city was taken; the ringleaders confined, and Joseph Smith shot by the mob through the prison bars.

After his death the prestige of the fanaticism declined; still thousands joined them annually; and at last the state took measures to remove them bodily from the country.

In the year 1846, they migrated from the settlements of the United States; and, after extreme sufferings, during which many of their numbers perished miserably by hunger, exposure, and fatigue, they settled themselves, at last, in the Far West, at the Salt Lake, in a barren district; which, however, by toil and industry, they have converted, as late accounts inform us, into a flourishing settlement.

Whether they have left off their immoralities, and "pilfering propensities;" and, taught by bitter experience, have learned to live righteously as well as industriously, does not appear; but if there be truth in the saying, "a corrupt tree cannot bring forth good fruit," it is impossible for charity herself to expect any good of a society which springs from such an origin as theirs, especially when the mischief of their fanatical superstition remains, like a canker, eating at the core.

Those who remain at home, as well as those who emigrate to the new settlement beyond the Rocky Mountains, must still embrace all the monstrosities of this wild delusion, and must consent that the innocent and unsuspecting minds of their little children shall know nothing of the pure faith in which they themselves have been educated, and which they have so wantonly trodden under foot; but from their earliest years, shall be accustomed, in its stead, to believe in Joseph Smith, and his wonderful spectacles, and his new Bible.

Upon the whole this history is highly instructive as illus-

* "An account of the Nauvoo Temple Mysteries and other abominations practised by the Mormons previous to their emigration for California, by Increase M'Gee Van Dusen."—Arthur Hall and Co.

trating our Blessed REDEEMER's caution, "to take heed what we hear." He that listeneth to wise men will become wise: but the companion of fools shall be destroyed. The answer to Joseph Smith's emissaries should be, What have you to teach me which I cannot learn, as well, or better, from the Ministers of the Church in which I have been baptized? If you bring me anything beside or beyond that, you bring me what is worse than unnecessary, because the Church is the keeper and expounder of Holy Scripture, and that teaches me all things needful for my soul's health. You have *no authority* to set up for my instructor, even if it be true that an angel from heaven has given you a message from GOD to me. While for the truth of this strange assertion you bring me *no proof;* and require me to believe it solely upon your own word, though you are a perfect stranger to me; and for ought I know, are either deceiving, or yourself deceived.

I remember reading in Holy Scripture of a real prophet, who told another prophet that *an angel had spoken to him,* saying that he was to fetch him back, to eat bread, and drink water, in a certain place, concerning which the LORD had said to him, "Thou shalt eat no bread, nor drink water there: *but he lied unto him.*"

The other however was foolish enough to believe the lie; and the consequence was that he perished miserably, being torn by a lion.

This passage of Scripture I think very instructive, as teaching me not to believe prophets, either real or pretended, who tell me that *angels have spoken unto them,* unless what they say is according to the word of the LORD. I thank GOD, however, that there is no need for angels to tell us what that word is, in these Gospel times, since GOD Who in times past spake unto the fathers by the prophets, hath in these last days spoken unto us by His SON: and therefore there is no reason to believe that GOD will speak to us by angels any more.

In some such way as this the Mormon emissaries should be answered—but the *best* manner of dealing with them undoubtedly is *not to go and hear them at all,* upon the principle before mentioned, viz: that if they speak the truth, they teach no more than what is best learnt at Church—and if they do *not* teach the truth they ought not to be listened to.

The fact is that the converts to these fanatics are not generally won over from the members of the Church, but from among the ranks of those who have dissented and departed from her, or else from among those who have never enjoyed the benefit of her teaching.

The reason is plain, for the sects in general, however much they differ from one another, all seem to agree in the following points:

They encourage the indulgence of curiosity, by teaching men to run after different preachers and new lights.—They encourage the notion that learning is not necessary for a teacher of Christianity, there being something better, namely, "inspiration:" and inspiration they do not consider as coming *in aid* of natural faculties, but as *superseding* them. Hence it is not uncommonly thought that the less learned a teacher is, the better; because there is so much the more reason to conclude that he *must be* "inspired."

Again they encourage men to look out for *miraculous interpositions*, and especially in the work of conversion—they hardly believe grace is grace, however it may be manifested by good works and good desires, unless there is something of what they call "evidence" attending it—that is some sensible experience which they interpret into a proof of a direct interposition of the ALMIGHTY: so that unless men are converted *by miracle*, they will not believe that they are converted at all.

Lastly, a want of settled forms and creeds, among the sects, renders them liable to variableness in their religious conviction; and either wholly dependent on the religious opinions of their teachers, for the time being, in respect of their rule of faith, and the matter of their prayers: or else left, every man to follow the wanderings of his own untutored imagination. Thus they become exposed to the arts of men, who, like Joseph Smith, lie in wait to deceive; and have the cunning and audacity to set up a claim of inspiration.

Have they been accustomed to look for sensible evidence? He offers them pretended miracles. Have they curiosity which craves after things new and strange? He amuses them with stories about visions and angels.

Do they think that teachers must be directly inspired? He asserts that he is so. Have they an opinion that

human learning is if anything, a bar to Divine influence? He is himself an eminent example of inspiration superseding knowledge. Do they believe that men if converted at all, must be converted by sudden and immediate acts of Divine interposition? He is, in his own person, a monument of the mercy of GOD to the worst of sinners. And what have they to set against all these claims upon their attention and their faith, if they have no Creeds and no formularies; no definite and ascertained standard by which to measure the truth or falsehood of any doctrine that may be palmed upon them?

But whatever the *reason* may be, the *fact* is that this monstrous infatuation has not taken any deep hold except where there is no established religion, or in those places where, owing to some sudden increase of population, or to other causes, the people are not under the influence of the Church.

This fact ought to be duly pondered, and seeing that impostures of all kinds can only take root, like evil weeds, in neglected soils; it will perhaps serve to convince considerate persons that the act of departing from the Church is a downward step which may entail serious consequences; there being in that Divine society *something* which serves as a preservative against delusions; and *that*, in proportion to the sincerity with which her doctrines are embraced, and the clearness with which they are comprehended.

JOSEPH MASTERS, PRINTER, ALDERSGATE STREET, LONDON.

96-10
9

ON

# THE STUDY OF ARCHAEOLOGY.

A DISCOURSE READ AT THE OXFORD MEETING OF THE ARCHAEOLOGICAL INSTITUTE, JUNE 18, 1850,

BY

CHARLES NEWTON, M.A.

[From No. 29 of the Archaeological Journal.]

1850

## ON THE STUDY OF ARCHAEOLOGY.

A DISCOURSE READ AT THE OXFORD MEETING OF THE ARCHAEOLOGICAL INSTITUTE, JUNE 18, 1850, BY CHARLES NEWTON, M.A.

THE record of the Human Past is not all contained in printed books. Man's history has been graven on the rock of Egypt, stamped on the brick of Assyria, enshrined in the marble of the Parthenon,—it rises before us a majestic Presence in the piled up arches of the Coliseum,—it lurks an unsuspected treasure amid the oblivious dust of archives and monasteries,—it is embodied in all the heir-looms of religions, of races, of families, in the relics which affection and gratitude, personal or national, pride of country or pride of lineage, have preserved for us,—it lingers like an echo on the lips of the peasantry, surviving in their songs and traditions, renewed in their rude customs with the renewal of Nature's seasons,—we trace it in the speech, the manners, the type of living nations, its associations invest them as with a garb,—we dig it out from the barrow and the Necropolis, and out of the fragments thus found reconstruct in museums of antiquities something like an image of the Past,—we contemplate this image in fairer proportions, in more exact lineaments, as it has been transmitted by endless reflections in the broken mirror of art.

Again, the vouchers for Printed History, the title-deeds of our great heritage of Printed Literature, are not all preserved in printed texts.

Before there can be Composed History, there must be evidences and documents, Tradition Oral and Tradition Monumental; before the publication of Printed Literature, there must exist the elements and sources from which such publication is made; before the Printer must come the Palæographer; before authoritative edition, scrutiny and authentication. Before we can discern the image of a period, or read the history of a race in Monuments of Art, we must ascertain to what period and to what race these monuments belong;

before antiquities become the materials for the history of manners, they must be collected and arranged in museums; in other words, if we would authenticate Printed Literature, if we would verify and amplify Printed History, if we would not ignore all those new elements of thought and memorials of the deeds of men which time is for ever disclosing to us, we must recognise the purpose and function of Archaeology; that purpose and function being to collect, to classify, and to interpret all the evidence of man's history not already incorporated in Printed Literature.

This evidence, the subject-matter of Archaeology, has been handed down to us, partly in spoken language, in manners, and in customs, partly in written documents and manuscript literature, partly in remains of architecture, painting, and sculpture, and of the subordinate decorative and useful arts.

Or, to speak more concisely, the subject-matter of Archaeology is threefold,—the Oral, the Written, and the Monumental.

Perhaps it would be more exact to say, that there are but two classes of archaeological evidences, the Oral and the Monumental, Monuments being either inscribed or Monuments of art and of handicraft.

But I shall venture, on this occasion, to waive strict logical accuracy for the sake of an arrangement which seems more convenient and impressive.

I shall consider each of the three classes of archaeological evidence in succession, taking, first, the Oral, under which head I would include not only all that has been handed down to us in Language, but all that can be gathered from the study of Manners and Customs.

That spoken language is Archaeological evidence is sufficiently obvious. Every one is aware that in tracing out the history of any language, we must study not only its written form, but those archaic words, inflections, and idioms, which literature has either rejected or forgotten, which, once general, have become provincial, and are retained only in the mother-tongue of the peasantry.

These obsolete and rare forms of speech are to the philologist what the extinct Faunas and Floras of the primeval world are to the comparative anatomist and the botanist, and, as Geology collects and prepares for the physiologist these scattered elements of the history of nature, so does Archaeology glean these vestiges of language, and construct out of them

glossaries of provincial words, that they may form evidence in the great scheme of modern Philology.

As only a certain portion of the spoken language of a race is permanently incorporated in its literature, so its written poetry and history only represent a certain portion of the national tradition. Every peasantry has its songs and mythic legends, its rude oral narrative of real events, blended with its superstitions. Archaeology rescues these from oblivion, by making them a part of Printed Literature. It is thus that Walter Scott has collected the minstrelsy of the Scottish border, and Grimm the traditions of Germany.

Such relics are of peculiar interest to the historian of literature, because they contain the germ of Written History and Poetry; before the epic comes the ballad, the first chronicle is the sum of many legends.

But unwritten tradition is not all embodied in language, it has been partly preserved to us in manners and customs. In a rude, unlettered age, indeed at all times when men are too ignorant, hurried, or pre-occupied to be acted upon by language alone, the instinct of those who govern the multitude has suggested other means.

Symbolic acts and gestures, tokens, forms, ceremonies, customs are all either supplementary to or the substitute for articulate speech.

In the processions, military triumphs, coronations, nuptials, and funeral ceremonies of all races we see this unwritten, inarticulate, symbolic, language in its most fully developed and eloquent form.

Hence it is obviously necessary for the Archaeologist to study customs. Addressing the eye by symbols more generally and readily understood even than words, they may be said to exhibit the utterance of thought in its most primitive and elementary form; the repetition of such utterance becomes record which, however rude and precarious, may still rank as a distinct source of historical evidence.

For the observance of such customs as fall under the notice of the Archaeologist, it is for the most part necessary that certain acts should be performed, or certain instruments employed with or without the recital of a set form of words; the custom may be commemorative or symbolic without reference to the past; the event of which it is the memorial

may be real or mythical; the doctrine it typifies and embodies may be religious, political, or legal; its observance may be occasional, as in the case of a marriage ceremony, or periodical, as in the case of the great festivals with which most nations distinguish the course of the seasons. The Archaeologist, of course, directs his attention less to those customs which form a part of the established religion and legal code of a race than to those which, being the result of ideas once generally prevalent, still survive among the peasantry in remote districts, or of which dim traces may be still discerned in the institutions of modern society. It is thus that, in the customs of Calabria, we still trace the relics of the ancient heathen worship, and that the customs of Greece and Asia Minor remain a living commentary on the text of Homer.

The peasant's mind reflects what has been rather than what is. It revolves in the same circle as the more cultivated mind of the nation, but at a much slower rate. On the great dial-plate of time, one is the hourhand while the other is the minutehand.

When customs are only partially extant, the Archaeologist has not only to record and interpret the usage, but to preserve the instrument with which that usage was associated.

It is thus that the horns which once ratified the tenure of land, the sword or mace, once instruments of investiture and insignia of feudal or official power, vessels once consecrated to the service of religion, are gathered in, one by one, into national museums, the garners and treasuries of archaeology.

A custom may be not merely extinct, but buried. In the tombs of many races, such as the Celtic or Scandinavian, we find nearly all that is known of their sepulchral rites, and thus an examination of the places of sepulture of various countries enables us, with the aid of philology, to trace out many unsuspected national affinities, while at the same time it gives us the means of comparing a number of unwritten creeds. In an uncivilised age men do not define their religious belief in a set form of words, but express it by symbolic rites, by acts rather than by statements.

It is the business of the Archaeologist to read these hieroglyphics, not graven on the rock, but handed down in the memory and embodied in the solemn acts of races, to elicit these faint rays of historical evidence, latent in the tomb.

Manners differ from customs, in that they furnish rather general evidence of a nation's character than special evidence for particular facts; that they are neither commemorative nor symbolic.

It was the custom of the last century to drink the king's health after dinner; it is part of the general history of English manners to know how our ancestors comported themselves at their meals, and when they first began to use forks.

Traces of ancient manners must be sought, as we seek for customs, in the secluded life of the peasantry, or we must discern them half-obliterated beneath the palimpsest surface of modern society, and this palimpsest must be read by a diligent collation not only with early literature, but with the picture of ancient manners preserved in Monuments of Art.

Such then is a slight outline of the Oral evidence of Archaeology. It is inferior in dignity either to Written or to Monumental evidence, because of all the means which man possesses for utterance and record, the oral is the most transient.

We may add that animals are not altogether destitute of oral utterance. Though they do not articulate, they communicate their meaning vocally, and by gesticulation; and some of them can imitate articulate speech, action, and music. But no animal but man draws or writes, or leaves behind him conscious monumental record.

It is because man can draw, because he possesses the distinctive faculty of imitating forms and expressing thoughts not only by his own gesticulations, but by and through some material external to himself, that he has acquired the inestimable power of writing. This general assertion, that all writing has its origin in drawing is, perhaps, open to discussion, but those who have most deeply investigated the question, have been led to this conclusion, by a comparison of the most primitive systems of writing now extant.

It is stated by these authorities that the elements of all written character are to be found in the Picture, or Direct Representation of some visible object; that such Pictures were subsequently applied as Phonetic symbols, or symbols of sounds, and as Emblems, or symbols of ideas; that these three modes of conveying meaning, by Direct Representation,

by Phonetic symbols, and by Emblems, existed co-ordinately for a while, and were finally absorbed into, and commuted for the one fixed conventional Alphabetic method.

If we apply this theory to the classification of the systems of writing which remain to us, it will be seen that, though not of course admitting of arrangement in chronological sequence, they exhibit the art in various stages of its development. The Mexican will present to us a system in which the Pictorial is predominant; the Egyptian hieroglyphics will enable us to trace the gradual extension of the Phonetic and Emblematic, the abbreviation of both forms in the more cursive Hieratic, and the decay of the Pictorial system: the Chinese, and perhaps the Assyrian Cuneiform, will bring us one step nearer the purely conventional system; and the perfection of the Alphabetic method will be found in the Phœnician, as it has been adapted by the Hellenic race.

I will not attempt here to illustrate more fully, or to justify more in detail, this theory as to the origin of writing; nor do I ask you, on the present occasion, to admit more than the general fact, which the most superficial examination of the Egyptian or Mexican hieroglyphics will show, that there have been ages and nations when the Alphabetic system was as yet undeveloped, and the Pictorial was its substitute, and consequently that there was a period when art and writing were not divorced as they are at present, but so blended into one, that we can best express the union by such a compound as Picture-writing.

This original connection between two arts which we are accustomed to consider as opposed, obliges us to regard the elements of writing as part of the history of imitative art generally. Thus the inscribed monuments of Egypt are neither art nor literature, but rather the elements out of which both sprang, just as early poetry contains the germ both of history and philosophy.

It is this first stage in the history of writing which peculiarly claims from the Archaeologist thought and study. The art of which he has to trace the progress, as it has, perhaps, more contributed to civilisation than any other human invention, so has it only been perfected after many centuries of experiment and fruitless labour. We, to whom the Alpha-

betic system has been handed down as the bequest of a remote antiquity, find a difficulty in transporting our minds backwards to the period when it was yet unknown; the extreme simplicity of the method makes us accept it as a matter of course, as an instrument which man has always possessed, not as something only wrought out by patient, oft repeated trials in the course of ages. Till we study the Egyptian hieroglyphics, we are not aware how difficult it must have been for the more perfect Phonetic system to displace the Pictorial, how long they continued co-ordinate, what perplexity of rules this co-ordination engendered, how obstinately the routine of habit maintained an old method however intricate and inconvenient, against a new principle however simple and broad in its application. The history of writing, in a word, exhibits to us most impressively a type of that great struggle between new inventions and inveterate routine, out of which civilisation has been slowly and painfully evolved.

When we pass from the study of imperfect and transition systems of writing, such as the Mexican, Egyptian, Cuneiform, and Chinese, to the study of perfect alphabets, it is rather the tradition of the art from race to race, than the inventive genius shown in its development, which forms the subject of our inquiries.

The Phœnician alphabet is the primary source of the system of writing we now use. The Greek and Roman alphabets, each adapted from the Phœnician with certain additions and modifications, were gradually diffused by commerce or conquest through the length and breadth of the ancient civilised world. On the decay of the Western empire of the Romans, their alphabet, like their language, law, architecture, and sculpture, became the property of their Teutonic conquerors.

Rude hands now wielded these great instruments of civilisation; strong wills moulded and adapted them to new wants and conditions; and it was thus that the Roman alphabet, transferred from marble to parchment, no longer graven but written, was gradually transformed into that fantastic and complicated character which is popularly called black letter, and in which the original simple type is sometimes as difficult to recognise, as it is to discern at the first

glance the connection between the stately, clustered pier and richly sculptured capital of the Gothic cathedral, and its remote archetype, the Greek column.

The changes which the handwriting of the Western world underwent from the commencement of the Middle Ages to the revival of the simple Roman character in the first printed texts have been most clearly traced out, century by century, by means of the vast series of dated specimens of medieval writing still extant.

When we turn from the Palæography of the Western to that of the Eastern world, we find the evidence of the subject in a far less accessible state.

In tracing back the history of Oriental systems of writing, as in investigating the sources of Oriental civilisation, we cannot, as in the West, recognise in many varieties the same original classical type; there is no one paramount influence, no one continuous stream of tradition, no one alphabet the parent of all the rest; the chronological basis of the Palæography rests on much less certain grounds.

When this branch of the history of writing has been more studied, we shall be able to say more positively whether the Assyrian Cuneiform is a modification of the Egyptian hieroglyphics, whether the Phœnician alphabet was derived from the same elements, whether it was the parent not only of the Greek and the Roman, but also of the Semitic alphabets generally, and we shall probably discover more than one other independent source whence some of the Oriental alphabets may have been derived.

This, then, is one point of view in which the Archaeologist may regard all written memorials,—as evidence either of the invention or of the tradition of the alphabetic system; but the history of the art cannot be fully investigated without taking into account the nature of the writing materials employed. These materials have been very different in different ages and countries. Character may be either *graven* on hard materials, such as stone or metal, *written* on pliable materials, such as bark, papyrus, parchment, linen, paper, or *impressed* as the potters' names are on the Samian ware, or the legends of coins on a metallic surface. The greater part of the writing of the ancient world has been preserved on the native rock, hewn stones, metallic tablets,

or baked clay, as in the case of the Cuneiform character. There was a preference for hard unpliable materials in classical antiquity just as there was a preference for parchment as a writing material all through the Middle Ages, both in Europe and Asia. As the harder materials fell into disuse, the character of course became more cursive, writings circulated more generally from hand to hand, and were multiplied by frequent copies not only to meet an increased demand, but because that which is written is more perishable than that which is graven ; the stroke of the chisel is a more abiding record than the stroke of the pen.

In consequence of this difference in the writing material, the researches of the Palæographer of classical antiquity embrace a far wider field than those of the medieval Palæographer. It is in the marble and the granite, in the market-places, the temples, and the sepulchres of the ancients that we must search for their records ; these were their libraries, their muniment rooms, their heralds' college. If Magna Charta had been ceded to the Roman plebs, instead of to the English nobles, it would not have been called Magna Charta, but Magna Tabula, or Magna Columna ; most of the Diplomatic record of the ancients was a Lapidary record.

I have been as yet considering the written memorials of races only as they are evidence of the art of writing itself, but Archaeology has not only to study character and writing materials, but also to interpret more or less the meaning of the words written, and to inquire how far they have an historical value.

Now all written character, all *literature*, to use this word in its original sense, may be divided into two great classes,—the Composed and the Documentary.

By Composed Literature I mean history, poetry, oratory, philosophy, and such like mental products ; by Documentary Literature I mean all writings which have no claim to rank as literary composition,—such as deeds, charters, registers, calendars, lists,—in a word, all those historical and literary materials, some of which are already incorporated in composed history and composed literature; some of which are stored up in national, ecclesiastical, municipal, or private archives ; some of which yet remain *in situ*, associated with the architectural monuments and works of art on which they are inscribed, and some of which, uncared for or unknown,

moulder on the surface of untravelled lands, or in the ruins of deserted cities.

Now, in regard to Composed Literature, it is obvious that its subject-matter is far too vast for the scope and limits of archaeological research ; it is chiefly with its manuscript text that the Palæographer has to deal ; his business is to collect, decipher, collate, edit. Printing transfers the text from his hands to those of the philologer, the historian, and the critic.

In dealing with the Literature of Documents, the Archaeologist has to do more than barely edit the text. On him, in a great measure, is devolved the task of interpretation and classification ; the mere deciphering or printing the documents does not at once render them accessible to the general reader, nothing but long familiarity, acquired in the course of editing, can give dexterity and intelligence in their use. It is the business, then, of the Archaeologist to prepare for the historian the literature of documents generally, as Gruter has edited his great work on Latin inscriptions, or Muratori the documents of medieval Italy.

He must as far as possible ascertain the value of this unedited material in reference to what is already incorporated with printed literature, how far it suggests new views, supplies new facts, illustrates, corroborates, or disproves something previously acknowledged or disputed ; whether, in a word, it will contribute anything to the great mass of human knowledge which printing already embodies.

Composed Literature should be as far as possible confronted with those written documents which are, in reference to it, vouchers, commentary, or supplement. Sometimes we possess the very materials which the historian used ; sometimes we have access to evidence of which he had no knowledge.

Now, it is needless to insist on the historical value of such documents as the inscription of Darius on the rock of Behistan, the Rosetta stone, and the many hieroglyphical and cuneiform texts which the sagacity and learning of a Young, a Champollion, and a Rawlinson have taught the nineteenth century to interpret by means of these two trilingual keys.

Such evidence speaks for itself. When in the laboratory of the philologer and the historian these documents shall have been slowly transmuted into composed narrative, we may hope to contemplate the ancient world from a new point

of view. The narrow boundaries of classical chronology may be enlarged by these discoveries as the barriers of ancient geography were burst through by the adventurous prow of the Genoese navigator; events, dynasties, and personages, which flit before our strained eyes, far away in the dim offing of primeval history, shrouded in the fantastic haze of Hellenic mythology, may be revealed to us in more defined outlines, if not in perfect fulness of detail.

But it is not merely where there is such immediate promise of a great historical result that the Archaeologist must study written evidence, nor must he confine his labours to the editing what is already complete as a document; he must out of isolated and fragmentary materials construct instruments for the historian to use.

Roman coins are not Fasti, nor are Greek coins a treatise on ancient geography, yet the labour of numismatists has made the one almost the best authority for the chronology of the Roman empire, and has found in the other an inestimable commentary on Strabo and Ptolemy.

The seals, deeds, and sepulchral brasses of the Middle Ages are not in themselves pedigrees, but how have they not contributed to the legal proof of genealogies? The countless rolls relating to the property of individuals preserved in muniment rooms, seem many of them of little historical value; but out of them what a full and minute history of ancient tenures has been developed; what directories, and gazetteers, and inventories of the past, giving us the names, titles, and addresses of those historic personages, whom in reading the old chronicles we are perpetually liable to confound.

The pioneering labour which prepares the Literature of Documents will always be appreciated by a great historical mind. After a Gruter, an Eckhel, and a Muratori, come a Gibbon, a Niebuhr, a Sismondi.

Before we dismiss this branch of our subject, there is one more point to be noted, the use of written documents not for the immediate purposes of history, but subordinately, as evidence for archaeological classification. It is obviously easier to fix the date of an inscribed than of an uninscribed work of art, because Palæography has rules of criticism of its own, perfectly independent of those by which we judge of art or fabric. In arranging the Monumental evidence of Archaeology, we cannot dispense with the collateral illustration

of the Written evidence. Palæography is the true guide of the historian of Art.

It is this third branch of our whole subject-matter, the Monumental, which we have now to consider.

Monuments are either works of Art or works of Handicraft. Art is either Constructive or Imitative; Handicraft either Useful or Decorative.

I must recall you for a moment to the point from which I started in treating of the history of writing. I said that man was the only animal that imitated in a material external to himself; who, in other words, practised painting and sculpture. To draw and to carve are natural to man; speech, gesture, and music are his transient,—sculpture, painting, and writing, his permanent means of utterance. There is hardly any race that has not produced some rude specimens of sculpture and painting; there are a few only who have brought them to perfection.

Now, there is a point of view in which we may regard the imitative art of all races, the most civilised as well as the most barbarous—in reference, namely, to the power of correctly representing animal or vegetable forms such as exist in nature. The perfection of such imitation depends not so much on the manual dexterity of the artist as on his intelligence in comprehending the type or essential qualities of the form which he desires to represent. One artist may make the figure of a man like a jointed doll, because he discerns in human structure no more than the general fact of a head, trunk, and limbs. Another may perceive in nature and indicate in art some traces, however slight, of vital organisation, of bones and muscles, and of their relation to each other as pulleys and levers. A third may represent them in their true forms in action and repose.

This is real, intellectual art, because it represents not the forms merely, but the life which animates them. This difference between one artist and another in the mode of representing organic life is the most essential part of what is called style. As the styles of individual artists differ in this respect, so it is with the art of races.

If we compare the representation of a man in Egyptian, Assyrian, Greek, Medieval, Chinese, Indian, and Mexican sculpture, we shall see that the same bones and muscles, the same organisation and general type, have been very diffe-

rently rendered in different ages and countries; and that the examples I have cited may be ranged in a scale from the Greek downward to the Mexican, according to the amount of essential truth embodied in these several representations of nature. Here then we get a common measure or standard of the art of all races and ages, whether it be painting or sculpture, whatever be the material in which it is executed; whether the work of which we have to judge be one of the statues from the pediment of the Parthenon, or an Otaheitan idol; a fresco of Michael Angelo, or a Dutch picture; a painted window, or a picture on a Greek vase; a coin, or the head of Memnon; the Bayeux tapestry, or the cartoons at Hampton Court.

All these are works of imitative art; some more, some less worthy of being so called.

Now, the artists who executed these works had this in common, that they all tried to imitate nature, each according to his powers and means, but they differed very widely in those powers and means. Some painted, some carved; some worked on a colossal, others on a minute scale. For the solution of the problem they had proposed to themselves, a very varied choice of means presented itself. Thus by the word painting we may mean a fresco painting, or an oil painting, or an encaustic painting, or a painted window, or a vase picture. Sculpture may be in wood, in ivory, in marble, in metal. Each material employed by the sculptor or painter imposes on him certain conditions which are the law under which he ought to work. He may either turn the material he uses to the best account, master its difficulties, and atone for its deficiencies, or he may in turn be mastered by them.

The difference between artist and artist, or school and school, in this respect, constitutes what has been justly called specific style, as opposed to general style. The Archaeologist must take cognisance not only of general, but of specific style. He must compare the art of different races as much as possible *in pari materiâ*; he must ascertain as nearly as he can the real conditions under which the artist wrought before he can appreciate his work; he must observe how similar necessities have in different ages suggested the trial of similar technical means; how far the artist has succeeded or failed in the working out these experiments.

In this, as in every other branch of archaeological research, he will be led to remark great original differences between races, and certain resemblances, the result of the influence of school upon school by tradition or imitation.

By this study of external characteristics he will obtain the true criteria for arranging all art both chronologically and ethnographically, and will also be able to form some kind of scale of the relative excellence of all that he has to classify.

Thus far his work is analogous to that of the Palæographer, who acquaints himself with the systems of writing of all races, traces their tradition and the changes they undergo, and assigns them to their respective periods and countries.

But, as we have already pointed out, the Palæographer has not only to acquaint himself with the handwriting, but to bestow more or less of study on the words written ; and in some cases, as in the Egyptian hieroglyphics, the work of deciphering and of interpretation compel him to be deeply versed in history and philology.

So it is with the Archaeology of Art. We must not only know the mere external characteristics of the style, we must know the meaning or motive which pervades it ; we must be able to read and to interpret it.

It is only a knowledge of the meaning or motive of art that enables us to appreciate its most essential qualities. The highest art is thought embodied and stated to the eye ; hence it has been well defined as "mute poetry."

Now, when we survey all the remains of art of which Archaeology has cognisance, we shall perceive that it is only a certain portion of these remains that can be said to embody thought.

It is those works of Imitative Art which embody thought, which have the first claim on the attention of the Archaeologist, and, above all, those which express religious ideas.

The most elevated art which the world has yet seen has been devoted to the service of Religion. Art has stereotyped and developed that Figurative and Symbolic language, of which we find the partial and transient expression in the Oral Symbolism of rituals.

When I speak of a Figurative and Symbolic language, I include under this general term all idols and visible emblems, all productions of the painter and sculptor, which have been

either themselves objects of worship, or have been associated with such objects,—have been designed to address religious sympathies, to teach religious doctrines, or to record religious traditions.

There is, perhaps, hardly any race, which has not at some period of its history possessed some sort of Figurative and Symbolic language for religious uses. The utterance of this language is feebler, or more emphatic; its range of expression narrower, or more varied, according to the character of the religion, and the genius of the race. Some religions are pre-eminently sensuous, such, for instance, as the Egyptian, the Greek, the Hindoo, in fact, all the great systems of polytheistic worship; in other cases, the nature of the creed warrants and requires a much narrower range of Figurative and Symbolic language, as in the case of the ancient Persian fire-worship, or interdicts the most essential part of it, as the Mahommedan interdicts all representation of animal forms.

Now, as in Philology, we lay the foundation for a general comparison of articulate languages by the study of some one example more perfect in structure, fuller and richer in compass than the rest, such a type, for instance, as the Greek or the Sanscrit; so, if we would acquaint ourselves with the Figurative and Symbolic language of Art generally, we should study it in its finest form.

When we survey the monuments of all time, we find two perfectly developed and highly cultivated forms of utterance, the language of Greek Art, and the language of the Art of Medieval Christendom; in almost all other races the expression of religious ideas in art seems, in comparison, like a rude dialect, not yet fashioned by the poet and the orator. Of the idolatrous nations of the ancient world, the Greeks were, as far as we know, the first to reduce the colossal proportions of the idol, to discard monstrous combinations of human and animal forms, and to substitute the image of beautiful humanity. The sculptor and the poet shaped and moulded the mythic legends; as the Figurative language of Art grew more perfect, as the mastery over form enabled the artist to embody thought more poetically and eloquently, the ancient hieratic Symbolism became less and less prominent.

As the Greek myth gradually absorbed into itself the

earliest theological and philosophical speculations of the race, blending religious tradition with the traditions of history, personified agencies with the agencies of real personages, the record of physical phenomena with poetic allegory,—so the Figurative Language of Art expanded to express this complex development. Mythography, or the expression of the Myth in Art, moved on, *pari passu*, with mythology, or the expression of the Myth in Literature: as one has reacted on the other, so is one the interpreter of the other.

It is impossible till we have studied both conjointly, to see how completely the religion of the Greeks penetrated into their social institutions and daily life. The Myth was not only embodied in the sculpture of Phidias on the Parthenon, or pourtrayed in the frescoes of Polygnotus in the Stoa Poicile ; it was repeated in a more compendious and abbreviated form on the fictile vase of the Athenian household ; on the coin which circulated in the market-place ; on the mirror in which the Aspasia of the day beheld her charms. Every domestic implement was made the vehicle of Figurative language, or fashioned into a Symbol.

Now, to us this mother tongue of Mythography, these household words, so familiar to the Greeks, are a dead letter, except so far as the Archaeologist can explain them by glosses and commentaries. His task is one of interpretation—he is the Scholiast and the Lexicographer of Art.

The method of interpretation which the classical Archaeologist has applied to Greek Art is well worthy the attention of those who undertake the interpretation of Christian Medieval Art.

As the Greeks have bequeathed to us not only a Mythology, but a Mythography, so in the painting and sculpture of medieval Christendom we find an unwritten Theology, a popular, figurative teaching of the sublime truths of Christianity, blended with the apocryphal traditions of many generations. The frescoes of the great Italian masters, from Giotto to Michael Angelo, the ecclesiastical sculpture of medieval Europe generally, are the texts in which we should study this unwritten theology.

It is in these continuous compositions, designed by great artists, that we can best study the Figurative and Symbolic language of Christian Art as a scheme, and seek the key to its interpretation. This key once obtained, we learn to read

not the great texts merely, but the most compendious and abbreviated Symbolism, the isolated passages and fragments of the greater designs.

It is then that we recognise the unity of motive and sentiment which runs all through Medieval Art, and see how an external unity of style is the result of a deeper spiritual unity, as the manners of individuals spring out of their whole character and way of life ; it is then that antiquities, which to the common observer seem of small account, become to us full of meaning. Every object which reflects and repeats the greater art of the period, whether it be costume, or armour, or household furniture, is of interest to the Archaeologist.

The cross which formed the hilt of the sword of the warrior; the martyrology which was embroidered on the cope of the ecclesiastic, or which inlayed the binding of his missal ; the repetition of the design of Raffaelle in the Majolica ware ; if not in themselves the finest specimens of medieval art, are valuable as evidence of the universality of its pervading presence,—as fragments of a great whole.

In many cases the interpreter of Christian Art has an easier task than his fellow-labourer, the interpreter of Greek Art. Christian Iconography is at once more congenial, and more familiar to us, than Greek Mythography. Much of the religious feeling it embodies still exists in the hearts of men ; the works of Christian art themselves afford far ampler illustration of their own language. The frescoes of Cimabue and Giotto, the great poems of Fra Angelico, Raffaelle, and Michael Angelo, have not perished like the works of the Greek painters, or been preserved to us in fragments, like the sculptures of the Parthenon. The façades of the cathedrals of Europe are still rich in statuary; the "dim religious light" still pierces through "the storied window."

We possess not only the original designs of the great sculptors and painters of the Middle Ages, but endless copies and reflections from these designs in the costume, armour, coins, seals, pottery, furniture, and other antiquities of the contemporary period. We are not compelled to seek for Art in what was meant as mere Handicraft, as we study the history of Greek painting in vase-pictures ; we have not only the Art, but the Handicraft too.

But we have not shown as much diligence in applying Medieval Literature to the illustration of contemporary Medieval Art as the Classical Archaeologist has shown in comparing mythology and mythography.

Christian Iconography and Christian Symbolism must be read, as Lord Lindsay has read them, with the illustration of the lives of the saints, the theology and the poetry of the Middle Ages. We must study the Pisan Campo Santo with Dante in our hands.

In these remarks on the figurative language of Art, I have not attempted to lay down for your guidance systems and canons of interpretation; I have rather called your attention to the example of classical art in which a particular method of study has been long and successfully carried out.

Nor have I at all alluded to a most essential part of the History of Art, the tradition of its Figurative and Symbolic language from race to race; or shown how far the Mythography of the Greeks was modified by, and contributed in turn to modify, the Oriental and Egyptian Mythographies; how Roman Pantheism gradually absorbed into itself all these motley elements; how the earlier Christian Art, like the architecture, law, language and literature of medieval Christendom, was full of adapted Paganism; how, not forgetting the power of deep-rooted associations, it borrowed the symbols of an extinct idolatry, as medieval literature borrowed the imagery of the classical writers; how long the influence of that symbolism and that imagery has survived, affecting, in a peculiar manner, the view of physical nature both in art and poetry; and how, lastly, the great features of the landscape which ancient sculpture and poetry translated into a peculiar figurative language, have been, so to speak, retranslated in the painting and the poetry of an age of physical science like our own.

It remains for me to say a few words on other branches of Imitative Art. There is an ideal art which is not devoted to religion, but purely secular in its subject-matter and purpose, just as there is a secular poetry which gradually prevails over the religious poetry of an earlier age; but the portion of this secular ideal art of which Archaeology has to take cognisance is comparatively small.

Again, there is Historical art, or that which represents real events in history; and Portraiture, which, taken in its widest

sense, includes all representation not only of human beings, but also of visible objects in nature. Now it is hardly necessary to insist on the interest either of Historical art or of Portraiture as archaeological evidence.

Historical art can never be as trustworthy a document as written history; its narrative power is far more limited;—but how much it illustrates written history, how much it supplies where written history is wanting, or is yet undeciphered?

The bas-reliefs of Egypt and Assyria are the supplement to the hieroglyphic, or cuneiform text; the type of the Roman coin completes the historical record of its legend; the legend explains the type; the combination presents to us some passage in the public life of the emperor of the day.

Inscribed Historical art is at all times the simplest and most popular mode of teaching history; perhaps in such a state of society as that of Egypt or Assyria, the only mode.

Again, when Historical art is presented to us completely detached from the written text, and where the composed history of a period is ever so ample,—who would not use the illustration offered by Historical art?—who would reject such a record as the spiral frieze on the column of Trajan, and the bas-reliefs on the triumphal arches of the Roman empire? Who would not think the narrative of Herodotus, vivid and circumstantial as it is, would acquire fresh interest could we see that picture of Darius setting out on his Scythian expedition, which Mandrocles caused to be painted?—or the representation of Marathon with which Micon and Panænus adorned the Athenian Stoa Poicile?

If Historical art contribute to the fuller illustration of composed history, still more does Portraiture. If the very idea of the great *dramatis personæ*, who have successively appeared on the stage of universal history, stirs our hearts within us, who would not wish to see their bodily likeness?—who would not acknowledge that the statues and busts of the Cæsars are the marginal illustration of the text of Tacitus? that the history of the seventeenth and eighteenth centuries, rich as it is in every kind of document, is incomplete without the portraits by Vandyke and Reynolds?—or, to pass from the portraits of individuals to the general portraiture of society, can we form a just idea of Greek and Roman manners without the pictures on vases and the pictures of Pompeii? or of medieval manners without the illuminations of manuscripts?

Are not the Nimroud bas-reliefs all that remains to us of the social life of the great Assyrian empire? If costume, armour, household furniture and implements, are all part of the history of manners, if these relics are in themselves worth studying, so too must be those representations which teach us how they were applied in daily life.

Having considered the monuments of Imitative, I will now pass on to the monuments of Constructive Art, and the products of the useful and decorative arts generally, or of Handicraft, from all which may be elicited a kind of latent history, rather implied than consciously stated, not transmitted in writing, nor even in words.

Of all monuments of Constructive Art, the most abiding, the most impressive and full of meaning, are the architectural. The first object of the Archaeologist, in studying a building, should be to ascertain its date, the race by whom, and the purpose for which it was erected. But his task does not end with this primary classification; he ought to indicate the value of Architecture as evidence for the Historian, to read and interpret the indirect record it embodies.

Of many aspects in which we may regard Architecture, these three may be especially noted. First, it is an evidence of the constructive power of a race, of their knowledge of mechanical science. Secondly, being an investment of capital, it is a measure of the financial resources of a nation at a particular period, a document for their financial history. Thirdly, we must consider Architecture as the great law which has in all time regulated the growth and affected the form of painting and sculpture, till they attain to a certain period in their development, and free themselves from its influence. I shall say a few words on each of these three points.

First of Architecture, as evidence of constructive power: In all building operations more or less of the same problems have to be solved.

The purpose of the edifice, the space allotted for the site, the quantity and quality of the building material, and the law of gravitation, prescribe a certain form. These are the external necessities within which the will of the architect is free to range. The problems he has to solve may be more or less difficult; the purpose of the building may dictate a more or less complicated structure; the site and building

materials may be more or less favourable ; the mechanical knowledge required may be more or less profound ; it is in the solution of these problems that various races have shown a greater or less degree of intellectual power ; it is from the study of the architectural problems so solved that we obtain a common measure of the mind of races perfectly distinct from any other standard.

In a Gothic cathedral the truths of mechanical science are stated, not by words, but by deeds ; it is knowledge, not written, but enacted.

The pyramids and temples of Egypt, the Parthenon, the ruins of Baalbec, the Duomo at Florence, the railway bridges and viaducts of the nineteenth century, are all so many chapters in the history of mechanical science, not in themselves treatises, but containing the materials of treatises. So much has been recently written on this branch of architectural study, that I shall merely allude to it here, especially in addressing an audience many of whom have the advantage of hearing every year a lecture on structure from the historian of our cathedrals, Professor Willis.

Having glanced at Architecture as part of the history of science, let us regard it for a moment as part of the history of finance. In all Architecture there is an outlay of the capital of labour, and of the capital absorbed in the cost of materials. The wealth thus permanently invested, if it be national wealth, is seldom replaced by any direct financial return. In the balance-sheet of nations it is more frequently entered as capital sunk, than as capital profitably invested.

When, therefore, we have made an estimate of the probable cost of an ancient edifice, grounded partly on the evidence of the building itself, partly on our general knowledge of the period to which it belongs, we must next consider out of what resources it was reared : did the builders invest income or capital ? in the hope of profitable return, or from what other of the many motives which induce men to spend money ?

Here, then, we find an architectural common measure, not only of the wealth of nations at a particular period, but also of their taste and judgment in spending that wealth.

When we survey the architecture of all time in regard to its motive, it presents to us under this aspect four principal

groups. It is either Votive, Commemorative, Military, or Commercial. By Votive, I mean all edifices dedicated to the service of Religion; by Commemorative, such structures as the triumphal arches of Rome; all sepulchral monuments from the Pyramids downwards; all buildings, in a word, of which the paramount object is national or personal record.

The term Military needs no explanation.

By Commercial, I mean much of what is commonly called civil architecture: all such works as bridges, exchanges, aqueducts, moles, tunnels, which, however great the original outlay, are undertaken by nations, companies, or individuals, with the ultimate hope of a profitable return.

Now, if it be admitted that the religious sentiment,—the historical instinct, or rather the sense of national greatness, its source,—the military spirit or necessities,—the commercial enterprise and resources of a race, severally determine the character of its Votive, Commemorative, Military, and Commercial architecture,—such monuments will give us a measure of the relative strength and successive predominance of each of these great motives of national action. Thus, in the chart of universal history, we may more distinctly trace the direction and calculate the force of some of the tides and currents of public opinion by which society has been variously swayed.

In Egypt, Architecture was pre-eminently Votive and Commemorative: in the temples of the Athenian Acropolis, the Votive and the Commemorative were blended, the glory of the individual was merged in that of the state,—the idea of the state was inseparable from that of its religion; the practical genius of the Romans was developed in great works at once Military and Commercial,—roads, bridges, aqueducts, moles, tunnels, fortifications; Votive and Military architecture absorbed the surplus wealth of the Middle Ages; in our own day, the magnificence of our Commercial architecture, of our railway bridges and viaducts,—contrasts somewhat strangely with the stunted and starveling Gothic of our modern churches; but it is fair to remember that the imperious need of an ever increasing population has transferred to charity part of the resources of architecture, and that we must not seek for the Votive investment of the nineteenth century only in its Religious edifices.

The study of the motive of architectural investment is essential to the Archaeologist for the due comprehension of the whole style of the Architecture; but the tracing out the financial sources of that investment is rather the business of the Historian. Therefore, I will but remind you here how the centralising power of despotism reared with the slave labour of captive nations, and the produce of the most fertile of soils, the Votive and Commemorative architecture of Egypt,—how the victories of Marathon and Salamis gained for Athens those island and Asiatic dependencies, whose tribute built the Parthenon,—how Rome gave back to a conquered world part of their plundered wealth in the aqueducts, bridges, harbours, and fortifications, which the Empire constructed for the provinces,—and how, lastly, in most parts of Medieval Christendom, as there were but three great Landowners, so there were but three great Architects, —the Sovereign, the Churchman, and the Noble.

The third aspect in which the Archaeologist must regard Architecture, is in its relation to Painting and Sculpture. Every one who is the least conversant with the history of Art knows that Architecture, Painting, and Sculpture, as they are naturally connected, so have in all times been more or less associated, and that the divorce by which, in modern times, they have been parted, is as exceptional as it is to be deplored. In a great age of art, the structure modifies and is in turn modified by the painting and sculpture with which it is decorated, and it is out of the antagonism of the decorative and the structural that a harmonious whole is produced. The great compositions of Phidias in the pediments of the Parthenon were regulated by the triangular space they had to fill, the proportions of the whole building itself were again adjusted to the scale of the chryselephantine statue of Pallas Athene which it contained; for in the Greek, and the ancient idolatries generally, the temple of a god was considered his dwelling-place, his statue in the interior, the symbol—and more than the symbol—of his bodily presence.

Therefore, if the Mythography was colossal, so was the Architecture; if the genius of the religion invested the god with a form and character not so much exceeding the familiar proportions of humanity, the architecture was adjusted to the same standard. This, doubtless, was one

chief cause of the difference in scale between the Egyptian and Greek temple.

The subject might be pursued much further. It might be observed that in Gothic architecture, where the building is dedicated to a Being who dwells not in temples made with hands, and whose presence there is rather shadowed forth by the whole character of the edifice than embodied in the tangible form of a statue, the structural necessities are supreme; the painting and sculpture are not, as in Greek buildings, works of art set in an architectural frame, but subordinate and accessory to the main design.

I have glanced for a moment at this relation between Architecture and Imitative Art, because the principle it involves is equally applicable to all cases where decoration is added to structure.

The Archaeologist cannot fail to remark how severe, in a true age of art, is the observance of this great Architectonic law,—how its influence pervades all design,—how the pictures on Greek vases, or the richly embossed and chased work of the medieval goldsmiths, are all adjusted to the form and surface allotted to them by an external necessity.

Having considered the greatest form of constructive art, Architecture, at such length, I have hardly time to do more than allude very briefly to the remaining material products of man comprised under the general term,—Monumental Evidence.

To attempt here to classify these miscellaneous antiquities would be as difficult as the classification of the various objects which may form part of the great Exhibition of 1851. The task which England has undertaken for 1851 is an Exhibition of the Industry of all nations at the present day; the object which Archaeology would achieve if possible, is not less than the Exhibition of the Industry of all nations for all time.

Wherever man has left the stamp of mind on brute-matter; whether we designate his work as structure, texture, or mixture, mechanical or chymical; whether the result be a house, a ship, a garment, a piece of glass, or a metallic implement, these memorials of economy and invention will always be worthy of the attention of the Archaeologist.

Our true motto should be—

HOMO SUM, HUMANI NIHIL A ME ALIENUM PUTO.

To collect the implements, weapons, pottery, costume, and furniture of races is to contribute materials not only to the history of mining, metallurgy, spinning, weaving, dyeing, carpentry, and the like arts, which minister to civilisation, but also to illustrate the physical history of the countries where these arts were practised.

The history of an art involves more or less that of its raw material; whether that material is native or imported, has been turned to the best account, or misused and squandered, are questions ultimately connected with the history of finance, agriculture, and commerce, and hardly to be solved without constant reference to the Monumental Evidence of Archaeology. I will not detain you longer with this part of the subject; those who wish to know why a spear-head or a stone hammer are as interesting to an Archaeologist as fossils to the Geologist, should visit the museum at Copenhagen, and read M. Worsaae's little work on Scandinavian antiquities, its result;—should learn how the Etruscan remains in the Museo Gregoriano of the Vatican illustrate Homer,—and the remains of Pompeii in the Museo Borbonico present to us Roman life in the Augustan age.

I have endeavoured, in these remarks, to present to you an outline, however slight, of the whole subject-matter of Archaeology,—a sketch of its Oral, Written, and Monumental Evidence.

In treating of these three branches, my object has not been so much to explain how they may be severally best collected, classified, and interpreted, as to show by a few examples the historical results to which such previous labours, duly and conscientiously carried out, will lead; the relation of Archaeology to History, as a ministering and subsidiary study, as the key to stores of information inaccessible or unknown to the scholar, as an independent witness to the truth of Printed Record.

I have said nothing of the qualifications required of the Archaeologist, the conditions under which he works, the instruments and appliances on which he depends. He who would master the manifold subject-matter of Archaeology, and appreciate its whole range and compass, must possess a mind in which the reflective and the perceptive faculties are duly balanced; he must combine with the æsthetic culture of the Artist, and the trained judgment of the Historian, not a little

of the learning of the Philologer; the plodding drudgery which gathers together his materials, must not blunt the critical acuteness required for their classification and interpretation, nor should that habitual suspicion which must ever attend the scrutiny and precede the warranty of archaeological evidence, give too sceptical a bias to his mind.

The Archaeologist cannot, like the Scholar, carry on his researches in his own library, almost independent of outward circumstances.

For *his* work of reference and collation he must travel, excavate, collect, arrange, delineate, decipher, transcribe, before he can place his whole subject before his mind.

He cannot do all this single-handed; in order to have free scope for his operations he must perfect the machinery of museums and societies.

A museum of antiquities is to the Archaeologist what a botanical garden is to the Botanist; it presents his subject compendiously, synoptically, suggestively, not in the desultory and accidental order in which he would otherwise be brought in contact with its details.

An Archaeological Society gives corporate strength to efforts singly of little account; it can discover, preserve, register, and publish on a far greater scale, and with more system, than any individual, however zealous and energetic.

A society which would truly administer the ample province of British Archaeology should be at once the Historian of national art and manners, the Keeper of national record and antiquities, the Ædile of national monuments.

These are great functions. Let us try, in part at least, to fulfil them. But let us not forget that national Archaeology, however earnestly and successfully pursued, can only disclose to us one stage in the whole scheme of human development —one chapter in the whole Book of human History—can supply but a few links in that chain of continuous tradition, which connects the civilised nineteenth century with the races of the primeval world,—which holds together this great brotherhood in bonds of attachment more enduring than the ties of national consanguinity, more ennobling even than the recollections of ancestral glory,—which, traversing the ruins of empires, unmoved by the shock of revolutions, spans the abyss of time, and transmits onward the message of the Past.

96-11

# Druidic Stones.

BY THE

REV. J. WILLIAMS (AB ITHEL).

REPRINTED FROM

The Archæologia Cambrensis.

---

LONDON:
W. PICKERING, 177, PICCADILLY.
TENBY: R. MASON.
1850.

# DRUIDIC STONES.

THE object of this Paper is simply to furnish the reader of the *Archæologia Cambrensis* with a digest of the Bardic traditions, with a few passing observations, in reference to the ancient monuments of the Druids, under the impression that they will thus conduce to the better elucidation of points on which antiquaries are too frequently divided in opinion.

## THE CIRCLE.

ITS SITE.—"The Voice Conventional of the Bards of the Isle of Britain," said to have been extracted from Meyryg of Glamorgan's book, in the sixteenth century, and recently published by the Welsh MSS. Society, thus directs:—"A Gorsedd of the Bards of the Isle of Britain must be held in a *conspicuous place, in full view and hearing of country and aristocracy*, and *in the face of the sun*, and *in the eye of light;* it being unlawful to hold such meetings either under cover, at night, or under any circumstances otherwise than while the sun shall be *visible* in the sky: or, as otherwise expressed,—a Chair and Gorsedd of the British Bards shall be held *conspicuously, in the face of the sun, in the eye of light*, and

*under the expansive freedom of the sky*, that all may see and hear."—(*Iolo MSS.*, p. 432.) And further on we are told:—"It is an institutional usage to form a conventional circle of stones on *the summit of some conspicuous ground*."—(p. 445). In another document, published in the same collection, we read, in reference to the Chair of Tir Iarll in particular:—"It must be held in *the sight and hearing of the country and the chieftain*, and *in the face of the sun, and the eye of light*, and under the protection of God and his peace." Again,—"The place of assembly may be in any *open ground*, whilst the sun is upon the sky; and it is called the Greensward of Songs."—(*Ibid.*, pp. 626, 627.)

I shall leave to others the task of ascertaining how far the structures of Stonehenge, Abury, &c., correspond, both in a topographical and social point of view, with the requirements laid down in the foregoing extracts. At the same time, I would direct attention to the reason which is so expressly assigned in favour of the conspicuousness of the Gorsedd, viz.—"that all may see and hear," which, when such frequent mention is made of the sun, may not be theologically unimportant.

Its form.—"It is an institutional usage to form a conventional *circle of stones*, on the summit of some conspicuous ground, so as to enclose any requisite area of greensward; the stones being so placed as to allow sufficient space for a man to stand between each two of them; except that the two stones of the circle which most directly confront the eastern sun, should be sufficiently apart to allow at least ample space for three men between them; thus affording an easy ingress to the circle. This larger space is called the entrance, or portal; in front of which, at the distance either of three fathoms, or of three-times-three fathoms, a stone, called *station stone*, should be so placed as to indicate the eastern cardinal point; to the north of which, another stone should be placed, so as to face the eye of the rising sun, at the longest summer's day; and to the south of it, an additional one, pointing to the position of the rising sun, at the shortest winter's

day. These three are called station stones; but, in the centre of the circle, a stone, larger than the others, should be so placed, that diverging lines, drawn from its middle to the three station stones, may point severally, and directly, to the three particular positions of the rising sun, which they indicate."—(*Iolo MSS.*, p. 445.) "The place of assembly shall be upon the grassy face of the earth, and chairs shall be placed there, namely stones; and where stones cannot be obtained, then in their stead turfs, and the Chair of assembly shall be in the middle of the Gorsedd."—(p. 627.)

The solar principle, according to which the circles of the Bards are here directed to be formed, is extremely curious; and it would be worth while to put it to the test, especially since so many astronomical theories have already been devised, with a view to explain their characteristic features.

In illustration of the probable origin of the three radiating lines, we may record the following singular traditions:—

"The announcement of the Divine name is the first event traditionally preserved, and it occurred as follows:—God, in vocalising his NAME, said /I\, and with the word all worlds and animations sprang co-instantaneously to being and life from their non-existence, shouting in ecstasy of joy /I\, and thus repeating the name of the Deity."—(*The Roll of Tradition and Chronology, taken from Edward Williams's transcript of Llewelyn Sion's MS., which was copied from Meyryg Davydd's transcript of an old MS. in the library of Raglan Castle.—See Iolo MSS.*, p. 424.)

In another document we are told:—"Immediately with the utterance was light, and in the light the form of the name in three voices thrice uttered, co-vocally, co-instantaneously, and in the vision three forms, and they were the figure and form of the light, and together with the utterance and the figure and form of that utterance were the three first letters, and from a combination of their three utterances were formed by letter all other

utterances whatsoever."—(*From an old Grammar, apud Coelbren y Beirdd*, p. 7.)

A third tradition says:—"Einigan Gawr saw three rays of light, on which were inscribed all knowledge and science. And he took three rods of mountain ash, and inscribed all the sciences upon them, as it should seem in imitation of the three rays of light."—(*See Coelbren y Beirdd*, p. 6.)

It may be remarked that the favourite symbol of the Bards is /|\, and that it stands for the name of God, and is regarded further as a representation of the three diverging rays of light, which Einigan Gawr saw descending towards the earth; and it is somewhat curious that these three lines contain all the elements of the bardic alphabet, as there is not a single letter in it that is not formed of some of these lines.

Its name.—"The whole circle, formed as described, is called *cylch Ambawr* (the greensward-enclosing circle), *cylch gorsedd* (the circle of presidency), *cylch gwyngil* (the circle of sacred refuge); but it is called *trwn* (a throne) in some countries. The three stones placed near the entrance are called *meini gorsaf* (station stones); the stones of the circle are called *meini gwynion* (sacred stones), and *meini crair* (stones of testimony); and the centre stone is variously called *maen gorsedd* (the stone of presidency), *crair gorsedd* (the token of presidency), *maen llog* (the stone of compact), and *maen armerth* (the perfection stone).—(*The Voice Conventional apud Iolo MSS.*, p. 446.)

*Ambawr* is evidently the original of *ambrosial*, and it suggests a much more satisfactory meaning than may be discovered in the name of Emrys Wledig or Ambrosius, the patron of Stonehenge; much less in Davies's theory, which professes to find the revolution of the sun in the Greek numerals of which the word may be formed.

*Maen llog* may be easily recognised in the *logan stone;* and thus there is reason to infer that all stones popularly known by the latter name, wherever met with, once formed part of a druidical circle.

*Meini gwynion* were not to be removed, according to the Laws of Dyvnwal Moelmud, under pain of death:—"There are three stones, which if any man remove, he shall be indicted as a thief: the boundary stone, the *maen gwyn* of the convention, and the guide stone: and he that destroys them shall forfeit his life, (or be guilty of capital offence)."—(*Myv. Arch.*, v. iii., p. 301.)

It is remarkable that none of these stones is here called a *cromlech*, nor have I been able to find that name in any composition of the older Bards, which certainly tends to confirm the view taken of it by the Irish antiquaries at the Cardiff Congress. Nor ought we to forget that Dr. Owen Pughe considers it but as the *vulgar* name of the *maen gorsedd*, implying thereby evidently that the Bards themselves never used the word.

It would be worth while to examine strictly whether what are called *cromlechau* are found to be invariably connected with a circle; for if they be not, they can hardly be regarded as *altars*, when we consider that all worship, of which sacrifice formed the most essential part, was performed within the sacred inclosure.

Its use.—We learn from the bardic traditions that the circle was used—

1. As a place of worship. Thus the "Voice Conventional" speaks of the Druid as one who "acts in accordance with reason, circumstance, and necessity, and that his duties are—to instruct, hold subordinate chairs and conventions, and keep up *divine worship* at the quarterly lunar holy-days," which meetings it elsewhere refers to the circle. The "Rules and Customs of the Chair of Tir Iarll," evidently in reference to the days of Christianity, further allow "every place of worship, and every precinct of a church, to be a place for bardic assembly."—(*Iolo MSS.*, p. 627.)

2. As a place whence to impart all religious and useful knowledge. "The proper privilege and office of the convention of the Bards is to maintain, preserve, and give, sound instruction in religion, science, and morality."—(*Laws of Dyvnwal Moelmud, Myv. Arch.*, v. iii., p. 290.)

3. As a place in which to transact all things relating more immediately to the organisation and discipline of the bardic system. This is so evident throughout the Institutes of the Bards, that it would be superfluous here to introduce any particular extract with a view to establish the point. I will therefore close this part of the subject with a passage from "the Rules and Customs of the Chair of Tir Iarll," which more or less takes in these three several objects of the bardic circle.

"At every Gorsedd of the Chair of assembly, there should be published the Instructions of the Bards of the Isle of Britain; that is to say, the records of the knowledge and sciences, and of the arrangements, and rules, and privileges, and customs of the Bards. After rehearsing the instructions and records, the exhibitions shall be called for; then any Bard, who has anything which he wishes to exhibit, shall exhibit it to the Chair, whether it be poetry, or genealogical roll, or record of honourable achievement, or improvement in knowledge and science. After the exhibitors, hearing shall be given to such claims and appeals as shall be brought forward. And after that, dialogues and chair disputations concerning poetry and its appurtenances; and afterwards they shall proceed to hold a council of judgment upon the merits of what has been brought before the Chair and the Gorsedd; and then shall publication be made of the decision and the judgment, and the presents shall be made. Then the public worship, and after that the banquet and conferring of honours; then shall all depart to their houses, and every one to his own residence."—(*Iolo MSS.*, p. 628.)

Number of circles.—"The three chief conventions (prif orsedd) of the Isle of Britain; the convention of Bryn Gwyddon, at Caerleon-upon-Usk, the convention of Moel Evwr, and the convention of Beiscawen."

Again,—"The three conventions of perfect song (gyvan gerdd) of the Isle of Britain; the convention of Beiscawen in Dyvnwal (Devon), the convention of Caer Caradawc (Salisbury Plain) in England, and the con-

vention of Bryn Gwyddon, in Wales."—(*Coelbren y Beirdd*, p. 38.)

Both Triads agree in regard to two of the chief conventions, viz., those of Beiscawen and Bryn Gwyddon. It is not unlikely that what is supposed to be the remains of a Roman amphitheatre, but is vulgarly called King Arthur's round table, at Caerleon-upon-Uske, had something to do with the ancient Gorsedd of Bryn Gwyddon. We learn from the Iolo MSS. that the motto of Bryn Gwyddon is "Coel clywed, Gwir gweled," (hearing is believing, seeing is truth): whilst that of Beiscawen is said to be "Nid byth ond bythoedd," (nothing is for ever that is not for ever and ever).

The third congress mentioned in the first Triad, viz., Moel Evwr, will be immediately recognised as that of Abury, or Abury Hill, in Wilts. The reason why Caer Caradawc, or Stonehenge, is substituted in the other Triad, appears to be this—that the Triads refer to different dates; the former to the time previous to the erection of Stonehenge, and the latter to the time when it had superseded Abury. There can be no doubt, when we duly consider the stupendous magnitude of both, and their contiguity to each other, that the one was in a sense the restoration of the other, unless we regard them as rival temples, which is hardly probable. Tradition ascribes the erection of Stonehenge to Emrys Wledig in the fifth century, as a monument to the victims of "the long knives." That Stonehenge is of comparatively recent date, appears clearly from the marks of the chisel and hammer upon the stones, contrary to the original mode of building adopted in the case of Abury and others, which seems to have come down from the Divine command:—"If thou make me an altar of stone, thou shalt not build it of hewn stone."

The bardic circle being a *cylch cyngrair*, as it is sometimes called, that is, the circle of concord or federation, makes it highly probable that the meeting proposed for the formation of friendship or alliance between the Britons and Saxons, was held within the circle of Abury,

and that this being now desecrated by treachery and blood, was henceforth totally abandoned. Some of the old Triads say of such places that they were "under the protection of God, and his tranquillity, so long as those who frequented them did not unsheath their arms against those whom they met."

In "A Chronological Account of Times and Remarkable Occurrences," taken from Watkin Giles of Pen-y-Vai's MS., which was a manuscript from one of Caradoc of Llancarvan's chronicles, printed in the Iolo MSS., there is the following passage:—

"In 453, the British chieftains were killed by the Saxons in the treachery of the Hill of Ambri (*query*, Abury?) called also the Hill of Caer Caradawc, in the district of Caersallawg, where they were assembled under the refuge of God's peace, and of national tranquillity."

The above are called chief gorseddau of perfect song, probably in a national point of view, as being the principal conventions, at some particular period of time, of the three great political divisions—Wales, England, and Cornwall respectively; at which efficiency was imparted to what had been initiated, and previously discussed, and recommended at subordinate meetings.

"There are four Chairs of song and bardism in Cambria, viz.:—

"1. The Chair of Morganwg, Gwent, Erging, Euas, and Ystradyw; and its motto is—'Duw a phob daioni,' (God and all goodness.)

"2. The Chair of Deheubarth, Dyved, and Ceredigion; the motto of which is—'Calon wrth galon,' (Heart to heart.)

"3. The Chair of Powys, and Gwynedd east of Conway; its motto being—'A laddo a leddir,' (Who slays shall be slain.)

"4. The Chair of Gwynedd, Mona, and the Isle of Man; the motto of which is—'Iesu,' (Jesus), or 'Iesu nad gamwaith,' (O Jesus repress injustice) according to an old traditional record."—(*Voice Conventional.*)

We also read of the Round Table of Arthur, of

Taliesin, and of Tir Iarll, the motto of which was—"Nid da lle gellir gwell," (nothing is truly good that may be excelled).

Of the Chair of Neath, having the motto—"Hedd Duw a'i dangnef," (God's peace and his heavenly tranquillity).

Of the Chair of Rhaglan Castle, with its motto—"Deffro! mae ddydd," (awake! it is day).

And of that of Urien Rheged, at Aberllychwr (Loughor) under the presidency of Taliesin, having the motto—"Myn y gwir ei le," (truth will have its place).

Many others might perhaps be enumerated, though these are the most notorious and ancient, and they are here mentioned since they may help one to identify any bardo-druidical remains, which may be found in the localities assigned to them; though indeed, provincial conventions were not invariably held on the same spot, even as it is recorded of that of Tir Iarll:—"The Chair of Tir Iarll was most frequently held on the greensward of Bettws; at other times upon the mound of Crug y Diwlith, on the green of Baedan Morgeila."—(*Iolo MSS.*, p. 625.)

We now proceed to enumerate some of the stones which, though forming no part of the circle, had still their use in druidic times.

### THE STONES OF GWYDDON GANHEBON.

These are spoken of in the "Triads of memorial and record, and the information of remarkable men or things, which have been in the Island of Britain; and of the events which befel the race of the Cymry, from the age of ages," printed in the *Myvyrian Archaiology*, vol. ii. A note annexed to the copy from which a transcript was made for that work states, moreover, that the said Triads were taken from the Books of Caradoc of Nantgarvan and Ievan Brechva, both of whom lived about the middle of the twelfth century, by Thomas Jones, 1601:—"The three chief master works of the Isle of Britain: the ship of Nevydd Nav Neivion, which carried in it a male

and a female of all living, when the lake of waters burst forth; the drawing of the avanc to land out of the lake, by the branching oxen of Hu Gadarn, so that the lake burst no more; and the stones of *Gwyddon Ganhebon*, on which were read the arts and sciences of the world.—(*Triad* 97.)

Great antiquity was assigned by the Bards to these stones, as may be inferred from two points in the triadic history of Gwyddon Ganhebon. First, he is represented as living prior to Hu Gadarn, who was present at the deluge (*Triad* 92); secondly, as being "the first man in *the world* who composed poetry," (*Ibid.*), and as having engraved on his stones "the arts and sciences of *the world*," and not merely of the *race of the Cymry*, which is the ordinary language of the Triads. It is to be observed, however, that an older date still is attributed to wood engraving. Our readers will recollect that its origin is briefly touched upon at p. 4, in connexion with the name of Einigan Gawr; we may illustrate the matter further with the following extract from an old catechetical document cited by Taliesin ab Iolo, in his Essay on Coelbren y Beirdd, p. 38:—

*Q.* "I would fain know upon what and how were letters first formed?"

*A.* "They were first made on sticks; the wood was hewn into four squares, and on each side small notches were cut in the form of letters. Subsequently upon a *slate*, the letters being engraved thereon with a steel style or a flint; and where it was done on wood, the same was called Coelbren, and the rows of letters Coelbrai; whilst the inscribed *stone* was designated *Coelvain*."

### MAEN CETTI.

This is also mentioned in the Triads, as follows:—"The three mighty labours of the Isle of Britain: lifting *Maen* (or the stone of) *Cetti;* building the work of Emrys; and piling up the mount of Cyvrangon."—(*Triad* 88.) Hence, no doubt, arose the proverb, "Mal gwaith Maen Cetti," (like the labour of the stone of

Cetti). The following notice of a *Maen Cetti* occurs in the *Iolo MSS.*, p. 473:—"*Maen Cetti*, on Cevn-y-bryn, in Gower, was, says ancient tradition, adored by the pagans; but Saint David split it with a sword, in proof that it was not sacred; and he commanded a well to spring from under it, which flowed accordingly. After this event, those who previously were infidels became converted to the Christian faith. There is a church in the vicinity, called Llanddewi, where it is said that Saint David was the rector, before he became consecrated a bishop; and it is the oldest church in Gower."

It would seem that this is identical with that pile of which we thus read in Camden's *Britannia*:—"They (the stones) are to be seen upon a jutting at the north-west of Kevyn Bryn, the most noted hill in Gower. Their fashion and posture is this: there is a vast unwrought stone, probably about twenty tons in weight, supported by six or seven others that are not above four feet high, and these are set in a circle, some on end, and some edgewise or sidelong, to bear the great one up. The great one is much diminished of what it has been in bulk, as having five tons, or more, by report, broken off it to make mill-stones: so that I guess the stone originally to have been between twenty-five and thirty tons in weight. The common people call it Arthur's Stone. Under it is a well which, as the neighbours tell me, has a flux and reflux with the sea."—*(Gibson's Camden.)*

### MAEN GOBAITH,

or the Guide Stone, was one of those stones which, according to the Welsh Laws, could neither be removed or destroyed under pain of death. *(See* p. 5.) This stone was intended as a guide to travellers over mountains and desolate tracts of land, in the absence of well-formed roads. It is supposed also to be the same with the *Post* or *Maen y Brenhin* (the king's post, or stone), on which were affixed public notices or proclamations. Thus we read in the Laws of Dyvnwal Moelmud:—"Three persons that ought not to be punished: one born

dumb and deaf; a child before he can reason; and a natural born idiot: thus it is said, no punishment falls upon the idiot, but there shall be a warning of the country in writing on the *king's posts*, or *stone pillars*, as a sufficient warning for every body to avoid the idiot, and the dumb and deaf born; and that they be put under their marks by horn and cry of country, and border co-country. Therefore it is said, the idiot goes upon the post."—(*Myv. Arch.* v. iii., p. 287.)

"Three persons who should be debarred the use of arms: a captive; a boy under fourteen years of age; and an idiot proclaimed on the *posts of country and lord*."—(*Ibid.*, p. 301.)

"The three proclaimed odious characters of a nation: he who kills his fellow countryman; a thief; and a deceiver. They are so called because it is just that the avenger of the nation should proclaim them by horn of country in court, and place of worship, and in every orderly crowd, and on the *posts of the king's idiots*."—(*Ibid.*, p. 305.)

Perhaps the following notice of a "Gobaith" may somewhat assist such as are conversant with the topographical and political history of our ancestors in their search for the stone under consideration:—"Three things which may not be done without permission of the lord and his court: there ought to be no building on a *gobaith*, no ploughing on a *gobaith*, and no clearing of woodland on a *gobaith*, for the country and nation in common own every wild and *gobaith*; and it is not right to give any one a distinctive claim to much or little of such lands."—(*Dyvnwal's Triads, apud Myv. Arch.*, v. iii., p. 301.)

### MAEN TERVYN.

This was the boundary stone, the removal of which, like that of the preceding, was punishable with death. (*See* p. 5.) In reference to it another Triad remarks:—"It is ordered and established, for the purpose of preventing the uncertainty of a claim, that the Bards shall

keep an orderly record of pedigrees, nobility, and inheritances. For the same purpose also is the memorial of the back-fire stones, the *maen tervyn*, and the horse-block, and he that removes them offers an insult to the court and the judges."—(*Myv. Arch.*, v. iii., p. 301.)

These passages will forcibly remind our readers of the penalty annexed to a similar offence in the law of Moses:—"*Cursed* be he that removeth his neighbour's land-mark; and all the people shall say Amen."—(*Deut.* Ch. xxxii.)

Whenever we hear of ancestral domains terminating here and there at some particular stones of notoriety, as is frequently the case, we may fairly presume that such stones are some of the old *Meini Tervyn* of the Welsh Laws.

### MAEN PENTAN,

or *pentanvaen* (the back-fire stone), stands, as we have seen above, equally with the *maen tervyn*, as a memorial of hereditary estates. It is further mentioned as such in the following Triad:—"Three things preserve the memorial of land and its site, and stand as testimonies in regard thereto: *pentanvaen*, kiln-stones, and a horse-block; because they bear the mark of the nation. And whoever will remove them without the permission of the lord of the property, shall be pronounced guilty of theft by the judgment of court and law; inasmuch as they are strong witnesses, and whoever destroys a strong testimony is worthy of death."—(*Myv. Arch.*, v. iii., p. 301.)

What this "mark of the nation," *nod y genedyl*, is, I am unable to determine; it might be a certain inscription, or perhaps nothing more is to be understood thereby than that the stones in question were objects of national cognizance.

### MAEN ODYN.

In another Triad, (*Myv. Arch.* iii. 324,) instead of *Maen Odyn*, (kiln-stone,) we have the "site of an old kiln" mentioned as one of the three memorials of landed

property. It is not very clear whether *maen odyn* refers to some one particular stone, or to any portion of the structure in general.

As the *odyn* seems to have constituted an important feature of ancient farms in Wales, is it not possible that some of those circular huts, which are so universally termed "cyttie" by archæologians, are remains of British kilns?

ESGYNVAEN,

or the horse-block, is alluded to in the "Mabinogion" as a mass of stone of no inconsiderable size and importance. The following note in reference to the subject is appended to the romance of the "Lady of the Fountain:"—"Ellis, in his notes to Way's 'Fabliaux,' has the following remarks upon horse-blocks, which are mentioned in a vast number of the old romances:—'They were frequently placed on the roads, and in the forests, and were almost numberless in the towns. Many of them still remain in Paris, where they were used by the magistrates in order to mount their mules, on which they rode to the courts of justice. On these blocks, or on the tree which was generally planted near them, were usually suspended the shields of those knights who wished to challenge all comers to feats of arms. They were also sometimes used as a place of judgment and a rostrum, on which the barons took their seats when they determined the difference between their vassals, and from whence the public criers made proclamations to the people.'"

MAEN HIR.

This is considered to be very common in the country. There is nothing, however, in its name which would indicate its original use, or the object for which it was raised, unless, indeed, we give the word *hir* the sense of longing, or regret, as being the root of *hiraeth;* in that case it might imply that the stone was a memorial of the dead. There is no doubt that, in some instances, it was used as a monument to point out the grave of a particular person. Thus an extract from an old document

is inserted by Mr. Price, in his "Hanes Cymru," p. 35, to the following effect:—"The *Meini Hirion* of Maesmawr. There is a spot on the mountain between Yale and Ystrad Alun, above Rhyd y Gyvartha, called the Great Plain, where occurred the battle between Meilyr ab * * and Beli ab Benlli Gawr, and where Beli was slain: and Meirion erected two stones, one at each end of the grave, which remained until within the last forty years. It was then that a wicked person, one Edward ab Sion ab Llywelyn of Yale, owner of the piece of land which had been enclosed out of the mountain where the grave and stones were, came and pulled up the stones, and placed them over the pipe of a lime-kiln. There, in consequence of the intense heat and great weight, they broke. Whereupon he burnt them into lime in the kiln, though they had been there for many hundred years; and a bad end happened unto him who had thus defaced the grave of the deceased soldier, about which the bard, in the 'Stanzas of the Graves,' sang this triplet:—

'Whose is the grave in the Great Plain?
Proud was his hand on the weapon of war—
It is the grave of Beli the son of Benlli Gawr!'"

### CARN OR CARNEDD.

This was a heap of stones piled upon a grave. There are numerous cairns in Wales, many of which still bear distinctive names, such as *Carn Vadryn* and *Carn Heudwll.* Allusion to them is made in the works of our earliest bards; for instance, Taliesin observes,—

"Ev gobryn carawg
Cymmru *carneddawg.*"
"Carawg will purchase
Wales abounding with *carneddau.*"
(*Myv. Arch.*, v. i., p. 40.)

It is said that, in druidic times, the cairn was a species of monument awarded only to persons of distinction. The following passage on the subject occurs in the Life of Gruffydd ab Cynan:—"Now the mountain, on which the battle was fought, is called by the people of the

country the *carn* mountain, that is to say, the mountain of the *carnedd;* for in that place there is an immense *carnedd* of stones, under which was buried a *champion* in primitive ages of antiquity."—(*Myv. Arch.*, v. ii., 594.)

The cairn was of gradual growth, inasmuch as it was the custom for every passer by to fling an additional stone upon the common heap, out of reverence to the memory of the person who was interred underneath.

We are told however that, when the practice of burying in churchyards became general, the cairn was condemned as fit only for great criminals. Hence the expression, "*carn ar dy wyneb,*" (may a cairn be upon thy face,) when one wishes ill to another man. In this case travellers cast their stones out of detestation. Owing therefore to such a change of popular feeling in regard to the cairn, it would now be impossible, from its mere outward appearance, to conjecture the character of the persons whom it covers. Moreover, the size would vary not only according to the honour or disgrace with which the deceased was in his life time regarded, but also according to the situation of the grave itself, whether it was near a public road or not. It may be, however, that the position of the body, or form of the cistvaen, or some other interior arrangement, would prove a clue to the solution of this question. It is, therefore, very desirable that, in opening any of these carneddau, we should mark every little circumstance, however trivial it may seem: by a comparison of these details, we may in the end be able to ascertain some great principle at the bottom of all.

TENBY: R. MASON, PRINTER, HIGH STREET.

96-12
b

# OBSERVATIONS

ON

## PROFESSOR LEPSIUS' DISCOVERY OF

# SCULPTURED MARKS ON ROCKS

IN THE

# NILE VALLEY IN NUBIA.

BY

LEONARD HORNER, Esq.,

F.R.S.S. L. AND E., F.G.S., ETC.

(WITH A PLATE.)

*From the Edinburgh New Philosophical Journal for July* 1850.

EDINBURGH:

PRINTED BY NEILL AND COMPANY.

MDCCCL.

*Observations on the Discovery, by* Professor LEPSIUS, *of Sculptured Marks on Rocks in the Nile Valley in Nubia; indicating that, within the historical period, the river had flowed at a higher level than has been known in Modern Times.* By LEONARD HORNER, Esq., F.R.S.S. L. & E., F.G.S., &c. With a Plate.

The recent archaiological researches of Professor Lepsius in Egypt, and the Valley of the Nile, in Nubia, have given a deserved celebrity and authority to his name, among all who take an interest in the early history of that remarkable portion of the Old World. While examining the ruins of a fortress, and of two temples of high antiquity at Semne, in Nubia, he discovered marks cut in the solid rocks, and in the foundation-stones of the fortress, indicating that, at a very remote period in the annals of the country, the Nile must have flowed at a level considerably above the highest point which it has ever reached during the greatest inundations in modern times. This remarkable fact would possess much geological interest with respect to any great river, but it does so especially in the case of the Nile. Its annual inundations, and the uniformity in the periods of its rise and fall, have been recorded with considerable accuracy for many centuries; the solid matter held in suspension in its waters, slowly deposited on the land overflowed, has been productive of changes in the configuration of the country, not only in times long antecedent to history, but throughout all history, down to the present day. Of no other river on the earth's surface do we possess such or similar records; and moreover, the Nile, and the changes it has produced on the physical character of Egypt, are intimately associated with the earliest records and traditions of the human race. Everything, therefore, relating to the physical history of the Nile Valley must always be an object of interest; but the discovery of Professor Lepsius is one peculiarly deserving the attention of the geologist; for he does not merely record the facts of the markings of the former high level of the river, but he infers from these marks, that since the reign of Mœris, about 2200 years before our era, the entire bed

of the Nile, in Lower Nubia, must have been excavated to a depth of about 27 feet; and he further speculates as to the process by which he believes the excavation to have been effected.

It will be convenient, before entering upon the observations I have to offer upon the cause assigned by Professor Lepsius for the former higher levels of the Nile indicated by these marks, that I should give the description of the discovery itself, by translating Dr Lepsius's own account of it, in letters which he addressed to his friends, Professors Ehrenberg and Böckh of Berlin, from the island of Philæ, in September 1844.*

"You may probably remember, when travelling to Dongola on the Lybian side of the Nile, and in passing through the district of Batn el hagér, that one of the most considerable of the cataracts of the country occurs near Semne, a very old fortress, with a handsome temple, built of sandstone, in a good state of preservation; the track of the caravan passing close to it, partly over the 4000-year-old artificial road. The track on the eastern bank of the river is higher up, being carried through the hills; and you must turn off from it at this point in order to see the cataract. This Nile-pass, the narrowest with which I am acquainted, according to the measurement of Hr. Erbkam, is 380 metres (1247 English feet) broad;† and both in itself, and on account of the monuments existing there, is one of the most interesting localities in the country, and we passed twelve days in its examination.

"The river is here confined between steep rocky cliffs on both sides, whose summits are occupied by two fortresses of the most ancient and most massive construction, distinguishable at once from the numerous other forts, which, in the time of the Nubian power in this land of cliffs, were erected on most of the larger islands, and on the hills commanding the river. The cataract (or rapid) derives its name of Semne from that of the higher of the two fortresses on the western bank; that on the opposite bank, as well as a poor village lying somewhat south of it, is called Kumme. In both fortresses the highest and best position is occupied by a temple, built of huge blocks of sandstone, of two kinds, which must have been brought from a great distance through the rapids; for, southward, no sandstone is found nearer than Gebel Abir, in the neighbourhood of Amara and the island of Sai (between 80 and 90 English miles), and northward, there is none nearer than the great division of the district at Wadi Halfa (30 miles distant.)

"Both temples were built in the time of Tutmosis III., a king of the 18th dynasty, about 1600 years before Christ; but the fortresses in which they stand are of a more ancient date. The foundations of these

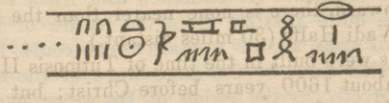
---

* Bericht über die zur Bekantmachung geeigneten Verhandlungen der Königl. Preuss. Akademie der Wissenshaften zu Berlin. Aus dem Jahre 1844.

† The breadth of the river itself. See Letter to Hr. Böckh, p. 27.

are granite blocks of Cyclopian dimensions, resting on the rock, and scarcely inferior to the rock itself in durability. They were erected by the first conqueror of the country, King Sesuatesen III., of the 12th dynasty, in order to command the river, so easily done in so narrow a gorge. The immediate successor of this king was Amenemha III., the Mœris of the Greeks: he who accomplished the gigantic work of forming the artificial lake of Mœris, in the Fayoum, and from whose time—the most flourishing of the whole of the old Egyptian kingdom—the risings of the Nile in successive years, doubtless by means of regular markings, as indeed Diodorus tells, remained so well known, that, according to Herodotus, they were recorded in distinct numbers from the time of Mœris. It appears that this provident king, occupied with great schemes for the welfare of his country, considered it of great importance that the rising of the Nile on the most southern border of his kingdom should be observed, and the results forthwith communicated widely in other parts of the land, to prepare the people for the inundations The gorge at Semne offered greater advantages for this object than any other point; because the river was there securely confined by precipitous rocky cliffs on each side. With the same view he had doubtless caused Nilometers to be fixed at Assuan and other suitable places; for without a comparison with these, the observations at Semne could be of little use.

"The highest rise of the Nile in each year at Semne, was registered by a mark, indicating the year of the king's reign, cut in the granite, either on one of the blocks forming the foundation of the fortress, or on the cliff, and particularly on the east or right bank, as best adapted for the purpose. Of these markings eighteen still remain, thirteen of them having been made in the reign of Mœris, and five in the time of his two next successors. These last kings discontinued the observations; for, in the meantime, the irruption of the Asiatic pastoral tribes into Lower Egypt took place, and wellnigh brought the whole kingdom to ruin. The record is almost always in the same terms, short and simple: *Ra en Hapi em renpe* . . . mouth or gate of the Nile in the year . . And then follows the year of the reign, and the name of the king. It is written in a horizontal row of hieroglyphics, included within two lines —the upper line indicating the particular height of the water, as is often specially stated—



"The earliest date preserved is that of the sixth year of the king's reign, and he reigned 42 years and some months. The next following dates are, the years 9, 14, 15, 20, 22, 23, 24, 30, 32, 37, 40, 41, and 43; and include, therefore, under this king, a period of 37 years. Of the remaining dates, that only of the 4th year of his two successors is available; all the others, which are on the west or left bank of the river, have been moved from their original place by the rapid floods which have overthrown and carried forward vast masses of rock. One single

mark only, that of the 9th year of Amenemha, has been preserved in its original place on one of the building stones, but somewhat below the principal rapid.*

"We have now to consider the relation which these—the most ancient of all existing marks of the risings of the Nile—bear to the levels of the river in our own time. We have here presented to us the remarkable facts, that the highest of the records now legible; viz., that of the 30th year of the reign of Amenemha, according to exact measurements which I made, is 8·17 metres (26 feet 8 inches) higher than the highest level to which the Nile rises in years of the greatest floods; and further, that the lowest mark, which is on the east bank, and indicated the 15th year of the same king, is still 4·14 metres (13 feet 6½ inches); and the single mark on the west bank, indicating the 9th year, is 2·77 metres (9 feet) above the same highest level.

"The mean rise of the river, recorded by the marks on the east bank, during the reign of Mœris, is 19·14 metres (62 feet 6 inches) above the lowest level of the water in the present day, which, according to the statements of the most experienced boatmen, does not change from year to year, and therefore represents the actual level of the Nile, independently of its increase by the falls of rain, in the mountains in which its sources are situated. The mean rise above the lowest level, at the present time, is 11·84 metres (38 feet 8 inches); and, therefore, in the time of Mœris, or about 2200 years before Christ, the mean height of the river, at the cataract or rapid of Semne, during the inundation, was 7·30 metres (23 feet 10 inches) above the mean level in the present day."

Such are the facts recorded by Dr Lepsius; and then follow, in the same letter, his views as to the cause of the remarkable lowering of the level of the river.

"There is certainly no reason for believing," he says, "that there has been any diminution in the general volume of water coming from the south. The great change in the level can, therefore, only be accounted for by some changes in the land, and these must also have altered the whole nature of the Nile Valley. There seems to be but one cause for the very considerable lowering of the Nile; namely, the washing out and excavations of the catacombs (*Auswaschen und Aushöhlen der Katakomben*); and this is quite possible from the nature of the rocks themselves, which, it is true, are of a quality that could not well be rent asunder, and carried away by the mere force of the water, but might be acted upon directly by the rising of the water-level, and the consequent effects of the sun and air on the places left dry, causing cracks, into which earth and sand would penetrate, which would then give rise to still greater rents, until, at last, the rocks would of themselves fall

* See Plate I.

in, by having been hollowed out, a process that would be hastened in those parts of the hills where softer and earthy beds existed, and which would be more easily washed away. But that, in historical times, within a period of about 4000 years, so great an alteration should take place in the hardest rocks, is a fact of the most remarkable kind,—one which may afford ground for many other important considerations.

"The elevation of the water-level at Semne must necessarily have affected all the lands above; and, it is to be presumed, that the level of the province of Dongola was at one time higher, as Semne cannot be the only place in the long tract of cliffs where the bed of rock has been hollowed out. It is to be conceived, therefore, that not only the widely-extended tracts in Dongola, but those of all the higher country in Meroë, and as far up as Fasogle, which, in the present day, are dry and barren on both sides of the river, and are with difficulty irrigated by artificial contrivances, must then have presented a very different aspect, when the Nile overflowed them, and yearly deposited its fertile mud to the limits of the sandy desert.

"Lower Nubia also, between Wadi Halfa and Assuan, is now arid almost throughout its whole extent. The present land of the valley, which is only partly irrigated by water-wheels, is, on an average, from 6 to 12 feet higher than the level to which the Nile now rises; and although the rise at Semne might have no immediate influence upon it, yet what has occurred there makes it more than probable, that at Assuan there was formerly a very different level of the river, and that the cataracts there, even in the historical period, have been considerably worn down. The continued impoverishment of Nubia is a proof of this. I have no manner of doubt that the land in this lower part of the valley, which, as already stated, is at present about 10 feet above the highest rise of the Nile, was inundated by it within historical time. Many marks are also met with here, that leave no doubt regarding the condition of the Nile Valley antecedent to history, when the river must have risen much higher; for it has left an alluvial soil in almost all the considerable bays, at an average height of 10 metres (32 feet 9 inches) above the present mean rise of the river. That alluvial soil, since that period, has doubtless been considerably diminished in extent by the action of rain. On the 17th of August Hr. Erbkam and I measured the nearest alluvial hillock in the neighbourhood of Korusko, and found it 6·91 metres (22 feet 7 inches) above the general level of the valley, and 10·26 metres (33 feet 7 inches) above the present mean rise of the river. That rise, which at Semne, on account of the greater confinement of the stream between the rocks, varies as much as 2·40 metres (7 feet 10 inches) in different years, varies at Korusko less than 1 metre (3 feet 3 inches).

"Near Abusimbel, on the west bank, I found the ground of the temple 6·50 metres (21 feet 2 inches) above the highest water-level. This temple, it is well known, was built under Rameses the Great, between 1388 and 1322 years before Christ. Near Ibrim there are, on the east bank, four grottoes excavated in the vertical rock that bounds the river, which belong partly to the 18th and partly to the 19th dynasties; the last, under Ramses the Great,

is also the lowest, and only 2·50 metres (8 feet 1 inch) above the highest inundation; the next in height is 2·70 metres (8 feet 9½ inches) above the former, and was made 250 years earlier, under Tutmes III. Although I only measured the present level of the valley near Korusko, nevertheless it appears to me that, during the whole of the new kingdom, that is, from about 1700 years before Christ to this time, the Nile has not reached to the full height of the low land of the valley.

"It is, however, conceivable that, at the time when the present low land of the Nubian Valley was formed, the cataracts at Assuan were in a totally different state; one that would, in some degree, justify the overcharged descriptions of the ancients, according to whom they made so great a noise that the dwellers near them became deaf. The damming up of the inundation at Assuan could have no material influence on Egypt, any more than that at Semne, or the land from thence to Assuan."

It appears therefore, from the above statements, that at the time mentioned, the Nile, during the inundations, stood 26 feet 8 inches higher than the highest level to which it now rises in years of the greatest floods; and that, to account for this, Professor Lepsius conceives that, between the time of Mœsis and the present day, the bed of the Nile, from a considerable distance above Semne to Assuan, must have been worn down to that extent. In the index to the volume of the Berlin Monatsbericht, in which the letters of Professor Lepsius are inserted, there is the following line:—

"Nil, *senkung seines Bettes um* 25 *Fuss seit* 4000 *Jahren.*"

"*Nile*, sinking of its bed about 25 feet (Paris) within the last 4000 years."

Rivers are, undoubtedly, among the most active agents of change that are operating on the earth's surface; the solid matter which renders their waters turbid, and which they unceasingly carry to the sea, afford indisputable proof of this agency. But the power of rivers to abrade and wear down the rocks over which they flow, and to form and deepen their own bed, depends upon a variety of circumstances not always taken into account; and although the great extent of that power, in both respects, is shewn in the case of many rivers, to conclude, as some have done, from these instances, that all rivers have excavated the channels in which they flow, is a generalization that cannot be safely assented to. The excavation of the bed of a river is one of those problems in geological dynamics which can only be rightly solved by each particular case being subjected to the rigorous examination of the mathematician and the physicist. The solid matter which rivers carry forward is in part only the produce of their own abrading power; and the amount of it must be proportional to that power, which is mainly dependent on their velocity; they are the recipients of the waste of the adjoining lands by other combined agencies, and the carriers of it to the lower districts and to the sea. They often afford the strongest evidence of

the vast lapse of time that must be included between the beginning and close of a geological period; and, when they flow through countries whose remote political history is known to us, they supply a scale by which we may measure and estimate that lapse of time. This is especially so in the case of the Nile.

When so startling an hypothesis as that now referred to, viz., that the entire bed of so vast a river as the Nile, for more than 250 miles, from Semne to Assuan, has been excavated, within historical time, to a depth of 27 feet, is made by a person whose name carries so much weight in one department of philosophical inquiry, the statement involves such important geological considerations, that it becomes the duty of the geologist to examine, and thoroughly test the soundness of the explanation, in order that the authority of Professor Lepsius, for the accuracy of the facts observed, may not be too readily admitted as conclusive for the correctness of his theory of the cause to which they owe their existence. That there has been such an undoubting admission, appears from the following passage in the work of one of the latest writers on Nubia:—

"The translation of the name of this town (Aswán) is 'the opening;' and a great opening this once was, before the Nile had changed its character in Ethiopia, and when the more ancient races made this rock (at the first cataract) their watch-tower on the frontier between Egypt and the south. That the Nile has changed its character, south of the first cataract, has been made clear by some recent examinations of the shores and monuments of Nubia. Dr Lepsius has discovered water-marks so high on the rocks and edifices, and so placed as to compel the conviction that the bed of the Nile has sunk extraordinarily by some great natural process, either of convulsion or wear. The apparent exaggerations of some old writers about the cataracts at Syene may thus be in some measure accounted for. If there really was once a cataract here, instead of the rapids of the present day, there is some excuse for the reports given from hearsay by Cicero and Seneca. Cicero says, that 'the river throws itself headlong from the loftiest mountains, so that those who live nearest are deprived of the sense of hearing, from the greatness of the noise.' Seneca's account is: 'When some people were stationed there by the Persians, their ears were so stunned with the constant roar, that it was found necessary to remove them to a more quiet place.'" *

---

*Note.*—The learned author of an article on Egyptian Chronology and History in the "Prospective Review" for May 1850, in referring to the contributions of Professor Lepsius to Egyptian history, says, "He has discovered undescribed pyramids, equal in number to those known before; has traced the Labyrinth, and ascertained its founder. *He has detected inscriptions on the banks of the Nile, which show that its bed has subsided many feet in historic times.*" *9th June* 1850.

---

* Miss Martineau's Eastern Life, vol. i., p. 99.

In the assumption of an excavation of the bed of the river, we have no small amount of wear to deal with, for the distance from Semne to Assuan, following the course of the river, is not less than 250 miles; and if, as Professor Lepsius supposes, the excavation extended to Meroë, we have a distance, between that place and Assuan, of not less than 600 miles.

Although these records of a former high level of the Nile at Semne had not been noticed by any traveller prior to Professor Lepsius, we may rest fully assured of the accuracy of his statements, from the habitual care and diligence, and the established character for fidelity, of the observer. The silence of other travellers may be readily accounted for by this, that none of them appear to have remained more than a very short time at this spot—not even the diligent Russegger—whereas we have seen that Professor Lepsius passed twelve days in the examination of this gorge in the Nile Valley.

The theory of a lowering of the bed of the river by wearing, involves two main considerations, viz., the power of the stream, and the degree of hardness of the rocks acted upon. The power depends upon the volume and velocity of the river—the velocity on its depth, and the degree of inclination of the bed: the hardness of the rocks we can form a tolerable estimate of when we know their nature. To judge, therefore, of the probability of the hypothesis of Professor Lepsius, we must inquire into the physical and geological features of the Nile Valley, in Nubia.

In the observations I have now to offer, my information has been derived of course entirely from the works of other travellers, particularly those of Burckhardt, Rüppell, and Russegger,* and especially the latter, who travelled in Nubia in 1837; for he not only enters far more into the details of the natural history of the country, but he is the only traveller in Nubia who appears, from previous acquirements, to have been competent to describe its natural history with any degree of accuracy—I refer more particularly to the physical and geological features of the country. Besides full descriptions in his volumes, he has given a geological map of Nubia, and also several sections, or what may more properly be called *vertical sketches*—a term that would, perhaps, be a more appropriate designation for all sections that are not drawn to a true scale, or at least when the proportion of height to horizontal distance is not stated.

### *The Physical Geography of Lower Nubia.*†

Russegger informs us,‡ that he believes he was the first traveller

* Reisen in Europa Asien und Afrika, in der Jahren 1835, bis 1841.—Stuttgart 1841–1846.

† With reference to the object of this paper.

‡ Reisen, Bd. ii., 545.

who had succeeded in making a series of barometrical measurements along the Nile Valley, from the Mediterranean to Sennaar and Kordofan, and thence to the 10th degree of north latitude. He gives the following altitudes, above the sea :—

| | Paris Feet. | | English Feet. |
|---|---|---|---|
| The upper part of the Cataract of Assuan, | 342 | = | 364·37 |
| Korusko, on the right bank of the Nile, in Nubia, . . . . | 450 | = | 479·43 |
| Wadi-Halfa, . . . . | 490 | = | 522·00 |
| New Dongola, . . . . | 757 | = | 806·52 |
| Abu Hammed, . . . . | 963 | = | 1026·00 |

I shall now give the length of the Nile along its course from Abu Hammed to the island of Philæ, at the head of the cataract of Assuan. I employ for this purpose the map in the atlas which accompanies the work of Russegger, which bears the date of 1846, and which, doubtless, was constructed on the best authorities. He mentions a map of General von Prokesch with great praise.* It flows :—

| | German M. | | English M. |
|---|---|---|---|
| From NE. to SW., from Abu Hammed to Meroë, about . . . | 31 | = | 150 |
| It makes a curve between Meroë and Old Dongola, of about . . | 16 | = | 77 |
| It flows between Old and New Dongola, from SE. to NW., about . | 16 | = | 77 |
| Then, with some short windings, nearly due north to the island of Sais, for about | 30 | = | 145 |
| And from Sais to the island of Philæ, from SW. to NE., about . . | 68 | = | 327 |
| Making the whole length of the course, from Abu Hammed to Philæ, about . | 161 | = | 776 |

Ascending the river, we have, between Philæ and Korusko, a distance of 24 German, or 115½ English miles, and without any rapid, except one near Kalabsche. Korusko being 115 feet above the head of the cataract of Assuan, at Philæ, we have an average fall of the river between these two places of a foot in a mile.

Between Korusko and Wadi-Halfa there is no rapid. The distance being 20 German, or 96⅓ English miles, and the difference of altitude being 42½ feet, we have an average fall throughout that part of the river's course of not more than 5·3 inches in a mile.

This very inconsiderable fall need not surprise us ; for the average

* "Über den Stromlauf und das zunächst liegende Uferland des Nils, von der zweiten Katarakte bis Assuan, besitzen wir eine vortreffliche Karte namlich :" "Land zwischen der kleinen und grossen Katarakten des Nil. Astronomisch bestimmt und aufgenommen in J. 1827, durch v. Prokesch. Nil Grundrisse der Monumente. Wien, 1831."—Reisen Bd. ii., Thl. iii. 86.

fall of the Nile in Lower Egypt, at the lowest water, is little more than one-third of that now stated. At the time of the highest water the surface of the Nile, at Boulak, near Cairo; that is, about 116 miles in a direct line from the coast is only 43·437 English feet above the level of the Mediterranean, and at the time of the lowest water, only 17·33 feet. Thus, in the first case, there is an average fall of about 5·00 inches; in the second, of not more than 1·80 inches in a mile.*

Between Wadi Halfa and Dale, a distance of about 94 miles, six cataracts, or schellals, as they are called in the language of the country, are marked in Russegger's map. And here, it may be as well to notice, that there are no cataracts, in the ordinary sense of the term, on the Nile; no fall of the river over a precipice; all the so-called cataracts are rapids, where the river rushes through rocks in its bed; the rapids varying in their length and degrees of inclination. We have no measurements of their lengths or of their falls, except as regards the first and second cataracts. The former, according to Russegger, has a fall of about 85 English feet in a distance of about 8 miles; and he describes the latter as extending from 5 to 6 *stunden*; that is, from 12 to 14½ miles, but he does not give the height. Speaking of the schellals above Semne, Russegger says, that all may be passed in boats without difficulty for about six weeks, or two months in the year. This is the case also, at the cataract or rapid of Assuan. But between Wadi-Halfa and Dale, with some inconsiderable spaces of free navigable water, in the ordinary state of the river, there is an almost uninterrupted series of rapids. We have no measurement of the height of Dale above Wadi-Halfa, near to which the second great cataract of the Nile occurs; but this is the part of the river's course where the fall is greatest, and from Semne to Dale there are about 45 miles of this more rapid fall.

From Dale to New Dongola, a distance of 35 German, or about 168 English miles, only three rapids are marked on Russegger's map—the highest being at Hannek, about 26 English miles below New Dongola. New Dongola being 806 English feet above the sea, and the distance from that place to the rapid of Hannek being 26 miles only, we may with probability estimate the surface of the river at the rapid of Hannek at 780 feet above the sea. Now, Wadi-Halfa being 522 feet, we have a difference of height, between these two last-named places, of 258 feet; and the length of the river's course between them being 236 miles, we have an average fall of 13·12 inches in a mile; that is, in the part of the river's course where nine rapids occur, in the provinces of Batn-el-Hadjar, Sukkot, and Dar-el-Mahass, where the river flows over granite and other plutonic rocks; gneiss, mica-schist, and other hard rocks, which Russegger considers to be metamorphic. But between Semne and

* Russegger, Reisen, Bd. i., 258.

the head of the second cataract at Wadi-Halfa, there is not a continuous rapid stream; for Hoskins says, that about two miles above that cataract, the river has a width of a third of a mile, and, when he passed it the water was scarcely ruffled.*

From the rapid of Hannek to Abu Hammed, the distance is 329 English miles, and the difference of altitude is 246 English feet. We have thus an average fall in that distance of 9·00 inches in a mile.

Thus, in the 776 miles between Abu Hammed and Philæ, we have an average fall of the Nile

| | | |
|---|---|---|
| Of 9·00 inches in a mile, for a distance of | 329 | miles. |
| Of 13·12 ..... .... .... | 236 | ... |
| Of 5·30 ..... ..... | 96 | ... |
| Of 12·00 ..... ..... | 115 | ... |

*Of the Breadth, Depth, and Velocity of the Nile, in Nubia.*

Our information is very scanty respecting the breadth and depth of the river, either at the time of lowest water or during the inundations. About two miles above Philæ, it is stated by Jomard† to be 3000 metres, or nearly two English miles wide. At the second cataract, or rapid of Wadi-Halfa, it spreads over a rocky bed of nearly two miles and a-quarter in width (2000 klafter),‡ but contracts above the rapid to a third of a mile. Russegger also states, that the Nile, near Boulak, in Lower Egypt, is 2000 toises, nearly two-and-a-half English miles in breadth, and yet that it is considerably wider in some parts of Southern Nubia; but Burckhardt says, that the bed of the Nile in Nubia is, in general, much narrower than in any part of Egypt. Near Kalabsche, about 30 miles above Philæ, the river runs through a gorge not more than 300 paces wide, and its bed is full of granite blocks. It shortly afterwards again widens for some distance; but near Sialla, 78 miles above Philæ, it is contracted by the sandstone hills on both sides coming so near each other, that the river's bed is again not more than from 250 to 300 paces wide. It is about 600 yards broad about two miles above the second cataract near Wadi-Halfa, but is again very much contracted in the rocky region of Batn-el-Hadjar. At Aulike it is only 200 paces broad.§

I have not met with any measurements of the depth of the river in any part of its course in Nubia; but Hoskins describes it as being so shallow at the island of Sais, 327 miles above Philæ, on the 9th of June, which would be before the commencement of the inundation, as only to reach the knees of the camels.‖ Near Derr, about 86 miles below the Cataract of Wadi-Halfa, Norden, in January,

* Travels in Ethiopia, p. 272.

† Description de l'Egypte.—Separate Memoir entitled, "Description de Syène et des Cataractes."

‡ Russegger, Bd. ii., 3 Thl. 85.

§ Russegger, Bd. ii., 3 Thl. 76

‖ Travels, p. 257.

found the river so shallow that loaded camels waded through it, and his boat frequently struck the ground. In May, Burckhardt found the river fordable at Kostamne, 53 miles above Philæ ; and Parthey states, that between Philæ and the island of Bageh, to the west of it, the river is so shallow before the commencement of the inundation, that it may be waded through.* Burckhardt says, that from March to June the Nile-water, in Nubia, is quite limpid.† Miss Martineau, who visited Nubia in December and January, speaking of the river above Philæ says, that it "was divided into streamlets and ponds by the black islets. Where it was overshadowed it was dark-gray or deep blue, but when the light caught it rushing between a wooded island and the shore, it was of the clearest green."‡ At the second cataract she describes the river as "dashing and driving among its thousand islets, and then gathering its thousand currents into one, proceeds calmly in its course."§

Although we have no accurate measurements of the velocity of the Nile in Nubia, we may arrive at an approximate estimate of it by comparing its fall with that of a river well known to us.

I have stated the fall of the Nile in different parts of its course to be 5·30, 9·00, 12·00, and 13·12 inches in a mile. The fall of the Thames from Wallingford to Teddington Lock, where the influence of the tide ends, is as follows :—

| | Length of course. | Fall. | Fall in inches per mile. |
|---|---|---|---|
| | Miles. F. | Feet. in. | |
| From Wallingford to Reading Bridge, | 18·0 | 24·1 | 15·72 |
| From Reading to Henley Bridge, . | 9·0 | 19·3 | 25·68 |
| From Henley to Marlow Bridge, . | 9·0 | 12·2 | 16·20 |
| From Marlow to Maidenhead Bridge, | 8·0 | 15·1 | 22·32 |
| From Maidenhead to Windsor Bridge, | 7·0 | 13·6 | 23·16 |
| From Windsor to Staines Bridge, . | 8·0 | 15·8 | 23·52 |
| From Staines to Chertsey Bridge, . | 4·6 | 6·6 | 17·28 |
| From Chertsey to Teddington Lock, | 13·6 | 19 8 | 17·40 |
| | 77·4 | 125·11 | |

"In general, the velocity may be estimated at from half-a-mile to two miles and three-quarters per hour ; but the mean velocity may be reckoned at two miles per hour. In the year 1794, the late Mr Rennie found the velocity of the Thames at Windsor two miles and a half per hour."‖

* Wanderungen durch das Nilthal, von G. Parthey, Berlin 1840. 378.
† Travels, pp. 9 and 11. ‡ Eastern Life, i. 10½. § *Ib.*, 144.
‖ Rennie, Report on Hydraulics, in the Fourth Report of the British Association for the Advancement of Science, 1834, p. 487.

It will thus be seen that the velocity of the Nile is probably greatly inferior to that of the Thames; for it appears that, except during the inundation, for more than half the year the depth is inconsiderable. The average fall when greatest, that is, including the province of Batn-el-Hadjar, where the rapids chiefly occur, is considerably less than that of any part of the above course of the Thames; so that there must be long intervals between the rapids where the fall must be far less than 13 inches in a mile. The breadth of the Nile is vastly greater; but supposing the depth of the water to be the same as that of the Thames, on account of the friction of the bed, the greater breadth would add very little to the velocity. If we assume the average depth of the Thames in the above distance to be 5 feet, and that it flows with an average velocity of 2 miles in an hour, and if we assume the average depth of the Nile in that part of its course where the fall is 13·12 inches to be 10 feet, when not swollen by the rise, the velocity would be 2⅔ miles nearly in an hour,* if the fall were equal to that of the Thames. We shall probably come near the truth, by assuming the velocity of the Nile on this part at 2 miles in an hour. That it must be considerably less in the other divisions of the course I have named, and especially in that part immediately below the second cataract, where the average fall is only 5·30 inches for a distance of 96 miles, is quite evident.

The power of a river to abrade the soil over which it flows, so far as water is by itself capable of doing so, must depend upon its volume and velocity, and the degree of hardness of the material acted upon. The power is increased when the water has force enough to transport hard substances. But even transported gravel has little action on the rocks with which it comes in contact, when it is free to move in running water, unless the fall be considerable, and, consequently, the velocity and force of the stream great. When stones are firmly set in moving ice, they then acquire a great erosive power, cutting and wearing down the rocks they are forcibly rubbed against; but this condition never obtains in Lower Nubia, as ice is unknown there.

### *Geological Structure of Lower Nubia.*

One kind only of regularly stratified rock occurs in the 776 miles from Abu Hammed to Philæ; viz. a silicious sandstone, similar to that which occurs to a great extent on both sides of the Nile in Upper Egypt, and which Russegger, after a very careful examination of it there, considers to be an equivalent of the greensand of the cretaceous rocks of Europe. The tertiary nummulite limestone, so abundant in Egypt, has not hitherto been met with in Nubia.

The Nile flows over this sandstone for nearly 426 miles of the entire distance, but not continuously. At Abu Hammed, it flows

* I state this on the authority of my friend, W. Hopkins, Esq., of Cambridge.

over granitic rocks, and these continue from that place for about 120 miles. There is then about 215 miles of the sandstone, which is succeeded by igneous and metamorphic rocks, that continue for 195 miles without any interruption, except a narrow stripe of sandstone of about 15 miles near Amara. It is in this region of hard igneous rocks that nearly all the rapids occur, between that of Hannek and the great or second cataract at Wadi-Halfa. From the latter place there is sandstone throughout a distance of about 196 miles, and then commences the granitic region of the Cataract of Assuan, through which the Nile flows about 35 miles. Thus we have about 350 miles of igneous and metmorphic rocks, and about 426 of sandstone.

The general hard nature of the igneous and metamorphic rocks, over which the Nile flows for about 155 miles above Semne, and for about 40 immediately below it, will be recognised by my naming some of the varieties described by Russegger, viz. granites of various kinds, often penetrated by greenstone dykes; sienite, diorite, and felspar porphyries; gneiss, and clay slate, penetrated by numerous quartz veins.

The siliceous sandstone is very uniform in its character; and in Nubia, as in Egypt, the only organic bodies which it has as yet been found to contain, are silicified stems of wood. Occasionally, as in the neighbourhood of Korusko, interstratified beds of marly clay are met with.*

When, therefore, we take into account the hard nature of the siliceous sandstone, the durability of which is shewn by the very ancient monuments of Egypt and Nubia, that are formed of it, and the still greater hardness of the granites and other crystalline rocks, it is manifest that the wearing action of a river flowing over so gentle a fall, can scarcely be appreciable. If the occasional beds of marly clay occur in the bank of the river, they may be washed out, and blocks of the superincumbent sandstones may fall down; but such an operation would have a tendency to raise rather than deepen the bed of the river at those places; unless the transporting power of the stream were far greater than can exist with so moderate a fall, especially in that part of the river below Semne, where, for 96 miles, it is not more than 5·3 inches, and for 115 miles below that, not more than 12 inches in a mile. Even if we suppose the river to have power to tear up its bed for some distance above Semne and below it, as far as the rapid of Wadi-Halfa, it is evident that the materials brought down would be deposited, except the finest particles, in that tranquil run of 96 miles, which may be almost compared to a canal. The drains in Lincolnshire are inclined 5 inches to a mile.† When the annual inundations commence, the water of the Nile comes down the rapid at Assuan of a reddish colour, loaded with sand and mud only; whatever detrital matter of a larger and heavier kind the Nile may have brought with it, is deposited before it reaches that point.

* Russegger, Bd. ii., 1 Thl. 569 to 584. † Rennie, Report cited above, p. 422.

From all these considerations, therefore, I come to the conclusion, that the bed of the Nile cannot have been excavated, as Professor Lepsius supposes, since the date of the sculptured marks on the rock at Semne. He says, "Es lässt sich kaum eine andere Ursache für das bedentende Fallen des Nils denken, als ein Answaschen und Aushölen *der Katakomben*." By the word *Katakomben* he can only mean natural caverns in the rock; but such caverns are rarely, if ever, met with in sandstones, and only occasionally in limestones. If the course of the Nile were over limestone instead of sandstone, we could not for a moment entertain the idea of a succession of caverns for 200 miles beneath its bed, sometimes two miles in width, the roofs of which were to fall in; and where the igneous rocks prevail, this explanation is wholly inapplicable.

But besides the objections arising from the nature of the rocks, and the inconsiderable fall of the river, there is still another difficulty to overcome. It is to be borne in mind, that this lowering of the bed of the Nile, from Semne to Assuan, is supposed to have taken place within the last 4000 years. Between the first cataract at Assuan and the second at Wadi-Halfa, there are numerous remains of temples on both banks of the Nile, some of very great antiquity. "From Wadi-Halfa to Philæ," says Parthey, "there is a vast number of Egyptian monuments, almost all on the left bank of the river, and so near the water that most of them are in immediate contact with it."* We may rest assured that the builders of these would place them out of the reach of the highest inundations then known. Although we have many accurate descriptions of these monuments, the heights of their foundations above the surface of the river are not often given; they are, however, mentioned in some instances. I shall describe the situations of some of these buildings relatively to the present state of the river's levels, and shall begin with those on the island of Philæ.

This island, according to the measurements of General von Prokesh, is 1200 Paris feet (1278 English) in length, and 420 (447) in breadth, and is composed of granite. Lancrot informs us, that, "à l'époque des hautes eaux, l'île de Philæ est peu èlevé audessus de leur surface, mais lorqu'elles sont abaissées elle les surpasse de huit metres." It was formerly surrounded by a quay of masonry, portions of which may be traced at intervals, and in some places they are still in good preservation. The south-west part of the island is occupied by temples. According to Wilkinson, the principal building is a temple of Isis commenced by Ptolemy Philadelphus, who reigned from 283 to 247 years before Christ; and he adds, that it is evident an ancient building formerly stood on the site of the present great temple. Lancrot, in referring to this more ancient building, says:—'Il y a des preuves certaines d'une antiquité

* Parthey, 318.

bien plus reculeé encore, puisque des pierres qui entrent dans la construction de ce même grand temple, sont des débris de quelque construction antérieure." Rossellini considers that it was built by Nectanabis. The first king of Egypt, of the Sebennite dynasty of that name, ascended the throne 374 years B.C., the second and last ceased to reign about 350 years B.C.*

Rossellini† informs us, that on the island of Bageh, opposite to Philæ, there are the remains of a temple of the time of Amenophis II., and a sitting statue of granite representing him. He was a king in the earlier years of the 18th dynasty, which, according to the Chevalier Bunsen,‡ began in the year 1638, and ended in 1410 B.C.

Gau,§ in describing a temple at Debu, about 12 miles above Philæ, which he visited in January, and consequently during the time of low water, states that he discovered under the sand, at the edge of the river, the remains of a terrace leading towards a temple.

A short distance north of Kalabsche, about 30 miles above Philæ, at Beil-nalli, Rossellini‖ speaks of a small temple in the following terms :—" Among the many memorials that still exist of Ramses II., the most important, in a historical point of view, is a small temple or grotto excavated in the rock;" and Wilkinson mentions it "as a small but interesting temple excavated in the rock, of the time of Rameses II., whom Champellion supposes to be the father of Sesostris or Rameses the Great."¶ He was the first king of the 19th dynasty, which began in the year 1409 B.C.**

Gau†† thus describes a monument at Gerbé Dandour :—" La chaine de montagnes qui borde le Nil est, dans cet endroit, si approchée du lit de ce fleuve, qu'il ne reste que très peu d'espace sur la rive. Cet espace est presque entièrement occupé par le monument, et la rivière, dans ses debordemens, arrive jusqu' au pied du mur de la terrasse."

Parthey informs us that the temple of Sebua is about 200 feet distant from the river, in which distance there are two rows of sphinxes, and that the road between them, from the temple, ends in wide steps at the water's edge; and he adds, that Champellion refers this temple to the time of Rameses the Great‡‡.

It thus appears that monuments exist close to the river, some of which were constructed at least 1400 years before our era; so that taking the time of Amenemha III. to be, as Professor Lepsius states,

---

* Russegger, Reison, Bd. ii. 300 and 320. Lancrot, Description de l'Egypte, Memoire sur l'île de Philæ, 15–58. Rossellini, I Monumenti dell' Egitto e della Nubia. Monumenti del Culto, 187. Wilkinson's Thebes and General View of Egypt, 466. Smith's Dictionary of Greek and Roman Biography, Arts. Ptolemy, Ph. and Nectanabis.

† P. 187. ‡ Egyptens Stelle in der Weltgeschichte.—Drittes Buch, 122.

§ Antiquités de la Nubie, p. 6. ‖ Tome III., Parte II., p. 6.

¶ Thebes, &c., p. 482. ** Bunsen, as above. †† P. 9.

‡‡ Warnderungen, &c., 334.

2200 years B.C., the excavation of the bed of the Nile which he supposes to have taken place, must have been the work, not of 4000 years but of 800. If the erosive power of the river was so active in that time, it cannot be supposed that it then ceased; it would surely have continued to deepen the bed during the following 3000 years.

At all events, the buildings on the island of Philæ demonstrate that the bed of the Nile must have been very much the same as it is now, 2200 years ago; and even a thousand years earlier it must have been the same, if the foundation of the temple on the island of Begh, opposite to Philæ, be near the limit of the highest rise of the Nile of the present time; so that there could be no barrier at the Cataract of Assuan to dam up the Nile when they were constructed; and thus the deafening sound of the waterfall recorded by Cicero and Seneca must still be held to be an exaggeration.

The existence of alluvial soil, apparently of the same kind as that deposited by the Nile, in situations above the Cataract of Assuan, at a level considerably above the highest point which the inundations of the river have reached in modern times, to which allusion is made by Professor Lepsius, has been noticed by other travellers, and even at still higher levels than those he mentions. Whether that alluvial soil be identical with, or only resembles the Nile deposit, would require to be determined by a close examination, and especially with regard to organic remains, if any can be found in it. There is no evidence to shew that it was deposited during the historical period, and it may be an evidence of a depression and subsequent elevation of the land antecedent to that period. It may not be of fresh-water origin, but the clay and sand, or till, left by a drift while the land was under the sea. For remote as is the antiquity of Nubia and Egypt, in relation to the existence of the human race, it appears to be of very modern formation in geological time. The greater part of Lower Egypt, probably all the Delta, is of post-pliocene age, and even late in that age; and the very granite of the Cataract of Assuan, that of which the oldest monuments in Egypt are formed, and which, in the earlier days of geology, was looked upon as the very type of the rock on which the oldest strata of the earth were founded, is said to have burst forth during the later tertiary period. We learn from Russegger, that the low land which lies between the Mediterranean and the range of hills that extends from Cairo to the Red Sea at Suez, and of which hills a nummulite limestone constitutes a great part, is composed of a sandstone which he calls a "Meeresdiluvium," a marine diluvial formation, and considers to be of an age younger than that of the sub-appennines.* This sandstone he found associated with the granite above Assuan, and covering the cretaceous sandstone far into Nubia. It appears, therefore, that, in the later ages of the tertiary period, this north-eastern part of Africa

* Reisen, Bd. I., s. 273.

must have been submerged, and that very energetic plutonic action was going forward in the then bed of the sea. The remarkable fact of the granite bursting through this modern sandstone is thus described by Russegger:—

"We arrived at a plateau of the Arabian Chain south-east of Assuan. It is about 200 feet above the bed of the Nile, and consists of the lower and upper sandstone, which are penetrated by innumerable granite cones from 20 to 100 feet in height, arranged over the plateau in parallel lines, very much resembling volcanic cones rising from a great cleft. The sandstone is totally altered in texture near the granite, and has all the appearance as if it had been exposed to a great heat. 'I cannot refrain,' he says, 'from supposing that the granite must have burst, like a volcanic product, through long wide rents in the sandstone, and that, in this way, the conical hills were formed.'"*

An eruption of a true granite during the period of the sub-appennine formations, one possessing the same mineral structure as that we know to have been erupted during the period of the palæozoic rocks, would be a fact of so extraordinary a kind, that its age would require to be established on the clearest evidence, and especially by that of organic remains in the sandstone.

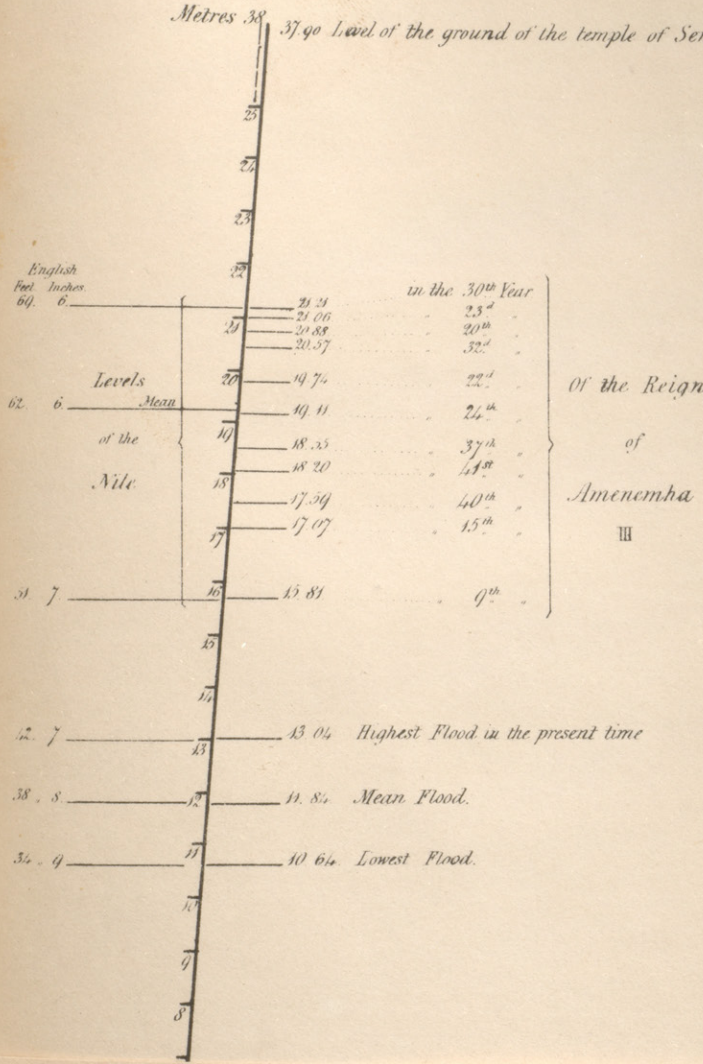
Having thus ventured—I trust without any want of the respect due to so eminent a person—to reject the hypothesis proposed by Professor Lepsius for the high levels of the Nile at Semne, indicated by the sculptured marks he discovered, it may perhaps be expected that I should offer another more probable explanation. If in some narrow gorge of the river below Semne, a place had been described by any traveller, where, from the nature of the banks, a great landslip, or even an artificial dam, could have raised the bed to an adequate height; that is, proportionate to the fall of the river, as it was more distant from Semne, a bar that, in the course of a few centuries, might have been gradually washed away, I might have ventured to suggest such a solution of the problem. But without any information of the existence of such a contraction of the river's channel, or any exact knowledge of the natural outlets and dams to running water along the 250 miles of the Nile Valley, from Semne to Assuan, it would be idle to offer even a conjecture. These marks are unquestionably very difficult to account for, in the present imperfect state of our knowledge of the structure of that portion of the Nile Valley; and any competent geologist, well versed in the questions of physical structure involved, who may hereafter visit Nubia, would have a very interesting occupation in endeavouring to solve the difficulty.

*7th April* 1850.

---

* Reisen, Bd. II., I. Thl. s. 328.

*Marks of the Levels of the Nile near the Cataracts of Semne in the time of king Amenemha III. (Mœris,) about 2200 Years B.C. compared with the present levels.*



Henry Wallam Esq
from the author

# OUR INSTITUTION

## AND ITS STUDIES;

## AN INTRODUCTORY LECTURE,

DELIVERED AT THE

## BRISTOL INSTITUTION

FOR

THE ADVANCEMENT OF SCIENCE, LITERATURE AND THE ARTS,

ON MONDAY, SEPTEMBER 23, 1850,

BY

JOHN ADDINGTON SYMONDS, M.D.

"Multa renascentur quæ jam cecidêre, * * * *
* * * * * * * * Servetur ad imum
Qualis ab incepto processerit, et sibi constet * * *
Primus ad extremum similis sibi." * * * *

LONDON: J. CHURCHILL, PRINCE's STREET, SOHO.

BRISTOL: EVANS & ABBOTT, CLARE-STREET.

1850.

# INTRODUCTORY LECTURE.

If there be any thing in connection with such an Institution as ours, to equal in interest its first establishment, it is the attempt to revive it after a period of languishing, and apparent decline. It may seem hardly consistent with the dignity of this Institution that I should endeavour to bespeak your interest in it on such a ground as this. To appear in *formâ pauperis*,—to rest on arguments addressed to your compassion, is hardly what might be expected. It would seem scarcely probable to one who enters the elegant portico of this building, adorned with a beautiful frieze from the chisel of Baily; who pauses in the hall of entrance to admire the noble models of Greek sculpture; and, after ascending the staircase, becomes acquainted with the treasures which illustrate all the great departments of natural history, and some of them more strikingly and completely than in any Museum not metropolitan; and, on descending, walks through the well-stored reading rooms, and then

into this theatre, which has been the scene of so many important expositions of science and literature; to such a person it would scarcely seem probable that an Institution, whose habitation and possessions are such as I have thus lightly touched upon, should have to bring its claims to support before the enlightened public of this great city and neighbourhood. Alas! it was not for this that the ardent and generous spirits who first conceived the project of forming this Institution, for the benefit of their fellow-citizens, carried their design into execution at the cost of so much time, so much personal exertion, and so much pecuniary outlay. They did not think that in less than thirty years it would become necessary to make a special effort for the renewal of its former spirit and vigour. If they anticipated this period at all, they must have expected that the child of their enterprise would be rejoicing in a lusty manhood, instead of, I will not say sinking into decrepitude, but rather pining or faultering in its growth from the lack of adequate nourishment.

But so it is. We cannot shut our eyes to the truth. Our Members are diminished; our Museum is comparatively stationary; our Library shelves are not crowded; and, above all, our Revenue is falling off.

These are sad admissions; but what use can there be in hiding the facts? I for one, and a very humble friend of the Institution, feel that I cannot more surely

prove the sincerity of my friendly feelings, than by allowing and stating these truths. I would not publish them did I think that no real good would ensue,—did I for one moment imagine that the announcement would only have the effect of calling forth the sympathy and compassion of the public,—or that the declining state of this noble Institution would but serve the melancholy purpose of pointing one more descant on the frailty of earthly schemes, the vanity of human expectations! No: sighs and condolence can avail us nothing; we want only the pantings of effort, and co-operative effort; and such we shall be sure to have when we make known that it is really needed. I doubt not that there are many, very many, both able and willing to give aid to this Institution, to whom the idea has never occurred that it was in want of help. They have naturally thought that, once fairly set in action, it was impossible that it should have shown any sign of weakness. They may not have been conversant with its inner life; they may have known only its outward form and fashion. They may have thought that with such an origin (it was the product of strong practical minds),—with such an organization (its arrangements and laws have been admired as most complete in idea, and they are known to have worked well),—with such favourable external elements (it is in the midst of one of the most considerable cities in the kingdom, and one of the most interesting scientific

districts),—they may have thought that it could not fail. But when they are now told that from various causes, some of which we may perhaps glance at, its prosperity is less assured than it should be, I doubt not that they will at once rush in crowds to its support.

I think I should be very wanting in my duty on the present occasion, were I to neglect the opportunity of commemorating, however briefly, the exertions of those who bestowed upon us this noble Institution. It appears that in its present form it dates its birth from the year 1823. The building, however, in which we are assembled, was commenced in 1820. We owe it to the public spirit of a body of gentlemen who had formed a Philosophical Society so far back as 1809, and had even then projected the erection of an edifice for scientific and literary purposes; but it was not till the year 1820 that the project was carried into execution. With the accomplishment of this design must be associated the names of JOHN NAISH SANDERS, Esq., and JOHN SCANDRET HARFORD, Esq., the value of whose munificent contributions was greatly enhanced by the untiring energy and zeal, with which they exerted their influence in obtaining the assistance of their fellow-citizens. The Architect was the celebrated Mr. COCKERELL, and the foundation stone was laid by the Mayor of the city, WM. FRIPP, Esq. This Lecture Room was opened in 1823 by Dr. DAUBENY, the distinguished Professor of Chemistry at Oxford, who

delivered an inaugural Lecture on the occasion. In the same year the Proprietors determined to establish an Institution "to promote the advancement of science, literature, and the arts;" and they made over to it the use of the building. Moreover, in connection with this decision, or rather as an almost necessary part of the design, a society was formed for the cultivation of science and literature.

The cost of the building alone was £11,000. But the generosity of the founders did not stop here; they made most valuable purchases of works of art, as well as of specimens for the Museum, and of books for the Library.

It would be impossible for me to speak of all the Gentlemen to whose labours we are indebted for the existence of the Bristol Institution, and it would be difficult, without the risk of making invidious distinctions, to single out particular names. I can only say, that all seem to have been animated by one spirit of disinterested zeal for the honour of the city, and for the intellectual improvement of their fellow-citizens. These honourable names will be found recorded in a valuable Memoir of the Institution, which was drawn up by the Rev. Dr. Carpenter, in 1836, for the use of visitors during the Meeting of the British Association in that year, a period when the Institution was flourishing in full vigour. On looking over the lists it is agreeable to observe that many of the founders and early sup-

porters are still amongst us. They would, I am sure, be the last to suppose that we slighted their exertions, if, for a few moments, we dwell only upon the names of those who are now lost to us.

In our committee room may be seen the portrait of the Very Rev. HENRY BEEKE, Dean of Bristol, one of the first Vice-Presidents. Though it expresses the benignity and mild intelligence of that venerable dignitary, it gives but little idea of his great mental activity. The extent and variety of his attainments in science, surprised all who came into communication with him. He was considerably advanced in life when our Institution commenced; but he felt as lively an interest in its formation, and as actively took part in its direction, as if he had been in the prime of years. He was not a *laudator temporis acti;* he would rather have adopted the sentiment of the poet,—

> "For I doubt not through the ages one increasing purpose runs,
> And the thoughts of men are widened with the process of the suns."

His knowledge of the various sciences, and his intimacy with most of the prominent philosophers and writers of the day, qualified him most usefully for his office of Vice-President. Nor should we omit to notice the character which his high position in the Church could not but confer on any association which he thought it his duty to join. And when it is added that his temper

was singularly cheerful and even; that his views were delightfully tolerant, and that his manners and deportment expressed an easy but dignified affability, we need not remark how invaluable must have been these qualities in a prominent and active member of a young institution, in the formation of which there must often arise occasions when prejudices have to be softened, zeal has to be tempered, and discordant views and interests are to be reconciled.

Though a long interval has passed since the time about which our attention is just now engaged, we cannot check the current of regretful thought which naturally carries us from the name of Dean Beeke, to the very recent loss of another dignitary connected with our city. The circumstances of the Institution were not such as to give Dr. Lamb the opportunity of taking a very prominent part in its proceedings; but he never failed to envince his interest in its welfare, when any occasion offered itself; and such an interest as might have been expected from one who, to the scholarship of a collegiate Principal, added the attainments of a man of science.

Those who remember the early difficulties of the Institution, speak in the strongest terms of the valuable services rendered to it by the late Richard Bright, Esq., of Ham Green. This gentleman, who was the model of a British merchant, endowed with a liberal heart and

a strong mind, enlightened in his views, enterprising in action, possessed of large and various information, and eager both to hear and to follow the suggestions of advancing Science, was ever a firm and devoted advocate of every measure tending to the furtherance of knowledge, and to the extension of its advantages to all classes. His generosity towards the Institution which he helped to form, was manifested not only by his pecuniary donations, but also by his many contributions to the riches of the Museum and Library.

In the first rank, nay, most conspicuous, among the early friends of the Institution stands the illustrious name of Dr. PRICHARD. Having elsewhere endeavoured to do some faint justice to his extraordinary powers and achievements, I shall content myself, on the present occasion, with observing that this Institution enjoyed the honour of receiving the first communication of some of those researches which, when embodied in his great work, procured for their author the admiration of the learned throughout Europe. One of the earliest papers read at the public meetings of the Philosophical and Literary Society, was a dissertation on the Distribution of Plants and Animals. Those who are acquainted with his Researches into the Physical History of Man, will remember that this subject forms one of the most important links of the great argument which he wrought with such skill and perseverance, in favour of the unity

of the human species. On looking over the catalogue of papers, it will be seen that several other essays on different departments of the Natural History of Man, made their first appearance before the public in this room. Nor is it less interesting to find in the same record, traces of some of his other literary and philosophical productions. Such was his essay on the History of Mummies, reminding us of his profound work on Egyptian Mythology. A paper read before this society was the germ of one of the most classical works in the literature of physiology, "A Review of the Doctrine of a Vital Principle." Many who have lectured here might have felt proud that they should have been able to produce any thing worthy of exposition in an Institution so respectable. But in regarding Dr. PRICHARD's works in connection with it, we feel proud that it was a theatre which he deemed worthy of his exertions. Not that *he* would have considered the connection in such a light; for he abounded in humility, no less than in learning and wisdom.

Of the early but departed friends of the Institution, none should be remembered with more gratitude than the Rev. DR. CARPENTER. None were more prodigal of personal exertion in planning measures for the details of its government, in increasing its resources and efficiency, and in rendering it in every way answerable to its purpose of diffusing intellectual and moral benefits

over the community; objects which were ever dear to his benevolent and philanthropic heart. His large and varied learning, which informed an understanding of no ordinary calibre, the philosophic habits of a life time, and the expansiveness of his tastes, which allowed him to sympathize with all who contributed their several endeavours, whether to Science or to Literature, or the Arts (for he had nothing of the pedantry or exclusiveness which leads men to extol one department of knowledge at the expense of others),—these characteristics of his mind, united with great suavity of disposition, it can easily be imagined by those of my hearers who had not the privilege of knowing him, enabled him to lend a most helpful hand in raising and supporting our Institution.

Another name comes before us, suggestive of all kindly and benevolent emotions,—the Rev. JOHN EDEN. This amiable and learned clergyman was ever ready to assist in any design promotive of the welfare of the Institution; not only by contributing various interesting essays on subjects belonging to Antiquarian Literature and the Arts, but also by toiling in committees. The amenity of his disposition, and the briskness of his intellect, which he retained till a very advanced period of life, must be remembered by very many of my hearers. Seldom was a lecture delivered, or a paper read, or a specimen exhibited within these walls, but

Mr. EDEN's venerable head was to be distinguished among the listeners or spectators; and his animated countenance beamed with a cheerful complacency, that gave heart and encouragement to timid lecturers, and spread a kindly infection of sympathy through the company. What he was in old age, I am told, that he had ever been in earlier periods; and that it would not have been possible for him to have obeyed the injunction implied in the question of Horace,—

"Lenior et melior fis accedente senectâ?"

for he was brim full of gentleness and goodness before age began to approach.

While thus briefly and imperfectly commemorating the departed friends of our Institution, we should be making a great omission were we to pass over the name of Dr. RILEY, who, though not among its founders, must be remembered as one of its ablest and most indefatigable supporters. His great attainments in Natural History and Comparative Anatomy were frequently brought out in this theatre, both in courses of lectures which he delivered for the benefit of the Institution, and in communications to the evening meetings of the Philosophical Society. He was the first to make known, in this city, those enlarged views of the laws of organization, which the great continental anatomists had propounded, and which, though in some points marked by

hasty and illogical generalization, have, nevertheless, in the main, been supported by subsequent researches, and at all events have imparted to Physiology a higher philosophic tendency than it had previously attained. Dr. RILEY was remarkable for great acuteness of observation, and for a powerful memory; two characteristics which, it is needless to remark, are especially to be desired in a naturalist. He did not confine his assistance to the public meetings of the Institution; he devoted much time to the general business of committees, and more especially to the collection and preparation of specimens for the Museum.

It is not very long since death deprived us of one whose name I often find in the earlier records of the Philosophical Society; and whose clear and accomplished mind, and whose high public spirit, could not fail to make him an ornament to any association of men devoted to Science,—I refer to CHARLES BOWLES FRIPP, Esq. The papers which he read at the evening meetings, gave tokens of ingenious speculation, industrious research, and great facility of communication. One of them received the high distinction of being thus noticed in Dr. PRICHARD'S "Review of the Doctrine of a Vital Principle." He says, "Several authors have written treatises *de animis brutorum;* but I have nowhere seen this subject discussed with so much learning and ingenuity, as in a paper read before the Literary and Philosophical

Society annexed to the Bristol Institution, by C. B. Fripp, Esq." This gentleman not only benefited us by his scientific contributions, but also by the pains which he took in the management of the affairs of the Institution. His amiable character endeared him to every one who had the privilege of enjoying his friendship. He died in the middle of his career lamented bitterly, —"*nulli flebilior quam mihi.*"

Did time admit of it, we might pass from the pious duty of recounting the services of those who can never more take part in any earthly undertaking, to the cheerful task of pointing out the benefits which have been conferred on us by the living; some of whom yet remain amongst us, while others are separated by distance. How gladly and gratefully should we call to mind the honour conferred on us, by the co-operation of one whose name will ever stand among the foremost in the annals of British geology,—the Rev. W. D. Conybeare, the present Dean of Llandaff; or the eloquent addresses delivered at our annual meetings by John Scandret Harford, Esq.; or the admirable contributions to our geology, and never-tiring exertions in our behalf, on all occasions, of William Sanders, Esq., the Honorary Secretary of the Museum; or the liberal and devoted zeal of our late able Curator, Mr. S. Stutchbury, to whom we owe, not only the high order of our Museum, but also some of its most valuable contents. How gladly

should we dwell upon courses of lectures which have been delivered within these walls, among the more memorable of which we should probably mention a course on Geology by Samuel Worsley, Esq., which will never be forgotten by those who had the privilege of enjoying it, whether with reference to the excellence and richness of the information imparted, or to the peculiarly interesting, nay, unique circumstances, under which they were delivered. Nor should we fail to remember the luminous expository and critical discourses on the genius of Milton, by the Rev. Thomas Grinfield; nor those frequent masterly discussions of various departments of Physiology and Natural History, by Dr. William B. Carpenter, many of which dissertations would have been worthy of any audience in the world of science. Nor should we forget the instructive physiological lectures delivered by one of our earliest and most enlightened friends, J. B. Estlin, Esq.* And I am sure we ought to remember especially that gallant and chivalrous attempt which was made by Francis Barham, Esq., in an eloquent address which he delivered three years ago, with the view of rallying our faultering hearts, and inspiriting us once more to the renewal of efforts for the spread of Literature and Philosophy in the West of England.

* We have permanent memorials of their value in the chronometer and microscope of the Institution, purchased out of their proceeds.

This allusion brings us to the question, What can have caused our present depression? Our early brilliant success was doubtless owing in part to the spirit and zeal of the founders, and partly to the first ardour which usually burns in the hearts of those who are engaged in a new undertaking; partly to the comparative novelty of lectures; and partly to that golden dawn of promise which generally overspreads the horizon of a yet distant and indistinctly seen realm of knowledge. Our declension may in some measure be owing to the chasms which time has made in the ranks of our staunchest supporters; but something must, I think, be set down to the changes which the last few years have made in our literature. The cheap issue of so many works of great excellence, profusely illustrated, must, by rendering science very easily attainable at home, have had some influence in rendering the public less keen for attendance upon lectures; and for the consequent relinquishment of their comfortable easy chairs by the fireside. Something also may be assigned to the competition of lectures at other Institutions. Not that this is to be mentioned in the way of regret or complaint; on the contrary, it should be a matter of rejoicing, that the example set by the class of society from which the Bristol Institution originated, has been followed by other classes, to their own great advantage, and that of the community in general. But, allowing that there have been reasons,

less or more excusative, for the falling-off of attendance upon lectures, what is to be said in extenuation of the supineness of the public in reference to the Museum? One might have thought that even of those who have not time for making use of its treasures, or whose tastes lie in another direction, numbers would have come forward to support it for the sake of others,— for the sake of those who visit our neighbourhood, and for the honour of the city to which it is so undeniable an ornament. I should have thought that a thousand eloquent voices would have cried out,—that a thousand liberal hands would have leaped into their purses, at the slightest hint of weakness or langour in an Institution, the full efficiency of which should be the pride of our hearts. For of what, as an enlightened community, ought we to be prouder? It is *par excellence*, the exponent of the intellectual activity, the learning and taste of the community. It is an Institution devoted to letters and philosophy. With it is identified, and in it is embodied, so to speak, our intellectual character and reputation. What must happen to us in the estimation of the world, if it is allowed to give tokens of infirmity? Strangers coming fresh from their towns of yesterday's growth, have sometimes hinted as they threaded our narrow streets, that something of public spirit was wanted; they have even pointed insulting fingers at our quays and docks, which might be some-

what less crowded than in their own bustling localities. We have told them, that besides having a taste for antiquities, we are especially proud of the infallible signs of the ancient birth of our city. We bid them look at the venerable piles which tell not only of the grandeur and power of our ancestors, but also of their piety and skill in Art; and that those scars of time, those footprints of ages, are dear to our eyes. We tell them, that so far back as the fourteenth century, a king held his court in our castle; and that centuries afterwards princes, and men mightier than princes, fought for its towers. We run rapidly over the splendid names in letters and arts, which shed lustre on our annals. We tell of that "inheritor of unfulfilled renown," CHATTERTON,—

> "The marvellous boy,
> The sleepless soul that perished in its pride,"

of whom SOUTHEY sings,—

> "Marvellous boy! whose antique songs and unhappy story
> Shall, by gentle hearts, be in mournful memory cherished
> Long as thy ancient towers endure and rocks of St. Vincent,
> Bristol! my birth place dear;"

for SOUTHEY himself was a native of our city, and to his latest days cherished the memory of "Bristol his birth place dear." Here COLERIDGE spent much of his time, and dated his poetical nativity. Here he first sang "his stately songs," as he himself called them;

and here first displayed that singular sibylline eloquence which fascinated the minds of men by the splendour of its imagery, even when its revelations had somewhat of the darkness of an oracle. Here, too, sprang Sir T. Lawrence, and William Muller, and that living sculptor whose exquisite creation adorns our Museum,—a faultless embodiment of unconscious beauty and primæval innocence.* Here Reynolds and Hannah More gave their bright examples of benevolence and piety. Here John Foster produced those remarkable specimens of original thought and massive expression, which won for him a place among the first of British essayists. Here breathless multitudes hung on the all-but inspired lips of Robert Hall. And above all, Butler, the great defender of the faith, was Bishop of our diocese. We go on to enumerate other great names, when the stranger cuts short our catalogue, by observing that he does not care for what a city was, but what it is; and that to dream and mutter about the days that are past, and of people dead and gone is, if any thing, rather a sign of senile infirmity. Then, we rejoin triumphantly, The position of a community, in the scale of civilization, is to be measured not by width of streets,—not by clean bright brick houses,—not by large money-getting indications in the quays and docks you are so

* Eve at the Fountain, by Baily.

proud of; but by the love and pursuit of those things which can be appreciated only by the highest and most cultivated faculties of human nature. Of such tastes and habits certain Institutions are the outward symbols. Behold our Institution devoted to Literature, Science, and the Arts! By admission, nay, by declaration of some of the wisest in our land, of Provincial Institutions, this is *facilè princeps*,—unquestionably the first and foremost. What say you now to our community!

Such was the dignified, unanswerable tone in which we could assert our intellectual supremacy; and the taunts of the insolent stranger were shaken from us "like dew drops from the lion's mane." Shall we lose this vantage ground? I cannot suppose it possible. We cannot allow this also to fail. We have only slumbered; our strength is unimpaired; and there are signs of its full awakening. To what else can we assign this vigorous effort about to be made in the forthcoming session? Observe, too, with what ease it has been made; and ease of exertion is ever a sign of strength. The Lecture Committee just put up a slight signal of distress, and in an instant we have this bright array of lecturers, generously offering their time and labour and knowledge. We cannot doubt that the public will appreciate this effort, and show their appreciation by their support of it. Among those names, I see not only those of many gentlemen of high talents and acquirements in science

and literature; but also of some of the most distinguished of my professional brethren. And I cannot help noticing that the same gentlemen who, during the terrible epidemic last year, showed so worthy a zeal in devoting their science to the investigation of subjects intimately connected with the physical wellbeing of their fellow-citizens, are now ready to direct it towards the intellectual enjoyments of the community. I need not mention the names of Dr. BUDD, Dr. BRITTAN, and Dr. SWAYNE.

It will be found that our Institution is based on the broadest principles. It is open to the cultivators of every field of knowledge. Here Philosophers may discourse to us on the primal source of all knowledge, the laws of human thought as well as of feeling and action. They may trace the connection of mind and matter, or mark the course of creation from brute inorganic matter through the first traces of vital action, on to the wonderful developments of forms and faculties in the vegetable and animal kingdom, and up to its climax in humanity. Coasting round the confines of organic nature, they may take some of the soundings of those shelving shores which are gradually lost in the depths of the immaterial infinite. Here scholars and philologians may discuss the tongues of other lands and other times, giving us glimpses of the glories and de-

lights of a literature that may have been hidden from us; or trace the affiliation and relationships of languages in connection with the dispersion of races. Here critics may teach the mysteries of those sweet spells by which poets have in all ages led captive the minds and hearts of men, and maintained their sway in perpetuity. Here historians may reanimate departed ages, and speculate profoundly upon the causes which build up and break down polities, and shew how, through the creation and confusion of kingdoms, the downfal of dynasties, and the prostration of many a mighty people, the genius of civilization, under the inspiration of Providence, has held on his course, turning even distress and disaster, no less than prosperity and conquest, to the fulfilment of his purposes. Here the artist or æsthetical philosopher may explain to us the principles, by virtue of which men have in all times been so finely wrought upon by painting and sculpture and architecture and music. He may add his own to the thousand and one theories of Beauty, and yet find us gratified listeners to dissertations on a subject which, however old, can never be obsolete, though worn can never be trite, while he tells how form, and colour, and light, and shadow, make the elements of a universal language which can be translated into no other, speaking to certain sensibilities in our organism which can understand and respond to no other, but which when so addressed not only give

to their subject some of the most exquisite delights of which his nature is susceptible, but may also excite the emotions of benevolence and pity, and even prepare for and support the operations of that highest reverence which exalts and softens and purifies the otherwise hard and sensual heart of man.

Here the natural philosopher of the highest order of nature's priesthood may convey us into the propylon of the sublimest sanctuary of science; and though we may not be qualified by adequate training or initiatory rites for penetrating into the adytum or innermost shrine, yet he may in that outer court reveal enough to us of the stupendous mysteries of astronomy to make us all but worship human genius, were it not that after all, all that he tells us so fills our minds with awe and wonder at the illimitable extent of the works of God, that there is little or no room for admiration of the wisdom of man in thus making them known. Or he may descend from this loftiest pinnacle of knowledge, and while expounding the laws of motion in solids and fluids and gases and imponderable agents, shew the use that has been made of them in the mechanical miracles of our age. Here, too, the chemist may unfold the secret agencies that have power to bind or unloose the ultimate molecules of matter; agencies which may be identical in their nature, whether they burst a bubble on the surface of a pond, or rend the earth's covering,

or shake to the dust man's proudest temples and towers; for the chemist, when it suits him so to choose his subject, may be like the painter,—

> "who dips
> His pencil in the gloom of earthquake and eclipse."

But he may as easily dwell on works of fairest composition, preservation, and order, shewing how out of disruption comes harmony; and out of decay and corruption, new vigor and beauty; and out of death, life; for as those terrible forgers of ruin and servants of desolation, the volcanos and the lightnings, disperse through the air the compounds of nitrogen, the beneficent powers send them down with the thunder-rain to the earth, where they feed the tender plant which, in its vital laboratory, forms it into matter which will sustain the life of animals,—which again as they perish, render back the element to the air or the soil, whence it may again run other circuits of life-dispensing energy.

All these representatives of Science, Literature, or Art, may fitly provide us with instruction in this theatre. But there is one department, and a very wide one, which I have not touched upon; and which is specially fitted for illustration in this Institution. I mean, what is generally included under Natural History. Our chief treasures are in the collections belonging to this division of knowledge. The contents of the Museum, rich especially in Paleontology, particularly encourage

you to cultivate this kind of knowledge. You scarcely need the help of expounders and interpreters here; yet, in the forthcoming series, I am glad to see that your attention will be specially directed to some of these subjects. It would be superfluous for me to expatiate on the advantages and uses and pleasures of the study of Natural History. You do not need to be told how it enhances the enjoyment of your leisure at home, and of your walks into the country; that it gives a motive for occupation most delightful to mind and body; that it carries the thoughts from many a weary, wearing, brain-aching pursuit, to ever fresh and gushing fountains of knowledge,—knowledge that brings no regret,—knowledge ever strengthening and exhilarating. Lord Bacon somewhere commends the smelling of a piece of new earth, as a thing that recruiteth the life of the body. Like many of his pregnant sayings, it may mean many things; but among others, I think it may signify the good which the mind gets by going back to the barest nature. Leaving the artificial knowledge, the quibbling speculations, and the wordy mazes of mere library learning,—the logomachies of colleges, and the wrangling ratiocination of courts and senates;—leaving all these behind, the sage, the scholar, or the statesman, walks into the green fields, and, breathing deep the liberal air, rests in the lap of the universal mother, while he reads the simple, innocent tales which the flowers spread

before him of their birth, parentage, family, and connections; or, listens to the songs of birds, and hears how this has just come from another land, and is early or late in arrival, and how another is preparing to depart; or lets his eyes follow the flight of bright insects, partaking of their ephemeral lifetime, and sharing with them his ephemeral holiday. These obvious, simple delights of Natural History, need not be expatiated upon. But let it be borne in mind, that this study can produce facts leading to views and speculations which yield in breadth and grandeur of outline to none but those which belong to the architecture and mechanism of the heavens; while in richness and variety of colour and expression, and, so to speak, in dramatic action, it is second to none and equalled by none.

In glancing at Phytology and Zoology, it would be vain as it would be superfluous for me to attempt to stimulate your curiosity on these subjects, by describing the overflowing abundance of vegetable life,—by recounting the vast number of species, or trying to paint those gorgeous scenes where individual plants attain their fullest glory and beauty,—the lands of the Banana and the Palm, and those giant grasses, whose stalks have joints 18 feet long from knot to knot; or that wonderful palm tree, the Periguao, whose smooth and polished trunk, rising 60 or 70 feet high, is adorned with a delicate flag

like foliage, curled at the margins. The description of its fruits makes one think of—

> "the gardens fair
> Of Hesperus, and his daughters three,
> That sing about the golden tree."

"These fruits," says HUMBOLDT, "resemble peaches, and are tinged with yellow, mingled with a roseate crimson. Seventy or eighty of them form pendulous branches, of which each annually ripens three."

Nor can I recount to you the number and variety of species in the Animal kingdom. Sir CHARLES LYELL estimates the number of existing species of animals and vegetables, independant of Infusoria, to be between one and two millions; but, as Mrs. SOMERVILLE remarks, "this estimate must be below the mark, considering the amount of life in the ocean." All calculation shrinks before the magnitude of the task, when we hear of seas red with infusoria (such is the Vermilion sea of California); or of a yellow wind, so coloured by its clouds of microscopic beings.

Willingly would I dwell on those laws of organization which enable the comparative anatomist to recognize a few simple types running through all the infinite outward variety of forms in the animal kingdom; or pause to express our admiration of those microscopic discoveries of recent years, which reveal the inward growth and

nutrition of vegetable and animal structures, shewing how they are all made up of individual cells, in infinite clusters,—of infinite variety,—of infinite function; life within life; every one an individual, and depending on what surrounds it, only for its nutrient matter; ever growing, dying, and reproducing; some of them living but a few minutes; perpetual birth,—perpetual death,—perpetual regeneration; every set of cells having its own appointed work, whether of building up the fabric, or of imbibing nourishment,—but to give it up again; or of forming fine quintessences,—but not for its own life and enjoyment; or of taking possession of useless or noxious matters from the current of the circulation, and then throwing them away from the organism, which either does not want them, or is hurt by them.

But we must occupy a few moments in noticing some of those facts and generalizations, which we owe to the enterprise, the industry, and the sagacity of the philosophic geologist. What can be grander than to hear him rehearse the strange eventful history of the revolutions which have befallen this world of ours?—when he tells with so much probability of a glowing, incandescent mass, in what is now the lowest depth or highest height, of the earth's crust,—a fiery sea of more than boiling metal, swelling and heaving, and requiring ages upon ages to cool and consolidate; then, ere it is yet cool, an ocean pouring over some of its regions, and

spreading over them the materials of future rocks and mountains, which there, under the combined influence of furnace-heat and water-pressure, become what we now call the metamorphic formations?—or to hear him discuss the agencies by which vast tracts of country have been strewn with enormous boulders, whether glaciers slowly bore them to their final resting-places, or whether they were swept thither by oceanic currents, laden with these ruins of rocks and mountains! Then to hear him describe a succession of secondary or tertiary formations, clothed with beautiful vegetable productions, and peopled with multitudinous animals, lying even and conformable, when there comes a tremendous upheaving and tearing of the surface, and up start the volcanoes, bursting, burning, and fusing every thing around them into their own likeness, and then settling into august quiescent mountain-forms; but ever and anon awaking from their slumber, and announcing, by terrible tokens, that the fires which gave them birth, are not extinguished! Or to see him paint some of the dream-like scenery of the world before the flood, and the wild fable-like inhabitants of those marvellous regions!

"Gorgons and hydras and chimeras dire,"

were not more incredible than the Megalosaurus or the unwieldy Iguanodon, floundering in his muddy lair, overshadowed by giant ferns.

All these things, though of the highest probability, are so marvellous, that it is a relief to turn to some of the results of the same science which, though less exciting to the imagination, are striking proofs of the degree of divination which may be attained to by the combined results of long unwearied observation, sagacious insight, and the comprehensive arrangement of facts in their due order and connection. The penetrating eye of an accomplished geologist, like M. Boue, or Elie de Beaumont, from similarities of outward forms in regions, can predicate similarities of the agencies which gave rise to them, and even an identity of structure. Straits and channels cannot restrict his vision, which leaps across them, and discerns the same strata on either shore. He knows that the rocks of North Ireland will be found in the Orkneys, and again in the highlands of Scotland. To him geographical distinctions and national differences are nothing. Corsica belongs to Sardinia; Jamaica holds on to Cuba; Sicily is a part of Calabria; Turkey in Europe is one with Asia-Minor; and those mountains of old renown, Olympus and Pelion, extend their connections and dependencies to the islands of the Greek Archipelago. Wonderful, too, are the conclusions which may be arrived at from the contemplation of mountain chains. It is not so surprising that blunt cones, and crater-like shapes, should give hints of volcanoes; that serrated peaks should tell of dolomites; triangular

pyramids, of slaty formations; and needles, of crystalline schists. But it *is* wonderful that, on looking over a mass of mountain ranges, one learned in these matters should be able to say, Those chains, which you see are parallel, you may be sure have an identity of structure; such are the rocks of Cornwall, of Brittany, and of the North West of Spain; but even if not parallel, in consequence of the sphericity of the globe, if they have an identity of direction, the same holds good. Thus, passing from West to East, what our dilettante tourists find in the Swiss Alps, they may find also, if they push on to the Taurus, and thence to the inhospitable Caucasus, and by a yet longer stretch to the loftiest of earth's titan-forms, the Himalayas. The relation of the different heights will suggest to the mind of the geological seer many remarkable inferences. If he beholds a high ridge flanked by parallel chains much lower, as well as by plains, he divines that it consists of an ancient central crystalline mass, associated with secondary and tertiary formations. This, which has long been known to be true of the Alps, has, of later years, been found also in the mountains of Central Asia. But the identity of structure in parallel mountain-ranges, in lines approaching to great circles of the sphere, tells another grand fact,—their contemporaneous origin, in the cooling of those regions of the earth's crust, modified in its effects by the various forces acting on the matter

of which the globe's crust is composed. "If we believe," says Professor NICHOL, "that the earth has reached its solid state through a continued refrigeration, it must appear much more rational to suppose that, in the course of successive contractions of the oxidated crust, the envelope in its efforts to follow it, has broken or split along parallel portions of great circles, than that these splits have taken place capriciously in all directions."*

Our time is nearly exhausted, but we must for an instant advert to the wide range of study included in Ethnology, or the Natural History of the Human Races;—a marvellous history, perpetually involving all the other departments of knowledge which we have so cursorily glanced at, and suggesting multitudes of interesting inquiries. Do all these beings, so dissimilar in colour, stature, habits, modes of life, and moral and intellectual cultivation, belong to a single species? Are the fair European, and the black African, and the tawny Malay, and the red American, and the albino of Darien, all of one original stock? And the gigantic Patagonian, and the pigmy natives of Tierra del Fuego, did they spring from the same first parents? Are the fat, blubber-fed, seal-skin clad Esquimaux, even most distantly related to the lean, rice-eating, half-naked Hindoo? Does the Bosjesman, who lives in holes and caves, and devours ants'

* "A. Keith's Johnson's Physical Atlas."—*Geology*, *p.* 7.

eggs, locusts and snakes, belong to the same species as the men who luxuriated in the hanging gardens of Babylon,—or "walked the olive-grove of Academe,"—or sat enthroned in the imperial homes of the Cæsars,—or reposed in the marble palaces of the Adriatic,—or held sumptuous festival in the gilded *salons* of Versailles? Can the grovelling Wawa, prostrate before his Fetish, claim a unity of origin with those whose religious sentiments inspired them to pile the prodigious temples of Thebes and Memphis, to carve the friezes of the Parthenon, or to raise the heaven-pointing arches of Cologne? That ignorant Ibo, muttering his all-but inarticulate prayer, is he of the same ultimate ancestry as those who sang deathless strains in honour of Olympian Jove or of Pallas Athenè; or of those who in a purer worship are chanting their glorious hymns or solemn litanies in the churches of Christendom? That Alfouro woman, with her flattened face, transverse nostrils, thick lips, wide mouth, projecting teeth, eyes half closed by the loose swollen upper eyelid, ears circular, pendulous, and flapping, the hue of her skin of a smoky black, and, by way of ornament, the septum of her nose pierced with a round stick some inches long,—is she of the same original parentage as those whose transcendant and perilous beauty brought unnumbered woes on the people of ancient story,—convulsed kingdoms,—entranced poets, and made scholars and sages forget

their wisdom? Did they all spring from one common mother? Were Helen of Greece, and Cleopatra of Egypt, and Joanna of Arragon, and Rosamond of England, and Mary of Scotland, and the Eloisas, and Lauras, and Ianthes,—were all these and our poor Alfouro, daughters of her who was "fairest of all her daughters, Eve?" The Quaiqua or Saboo, whose language is described as consisting of certain "snapping, hissing, grunting sounds, all more or less nasal,"—is he, too, of the same descent as those whose eloquent voices "fulmined over Greece," or shook the forum of Rome,—or as that saint and father of the Church surnamed the Golden-mouthed,—or as those whose accents have thrilled all hearts with indignation, or melted them with pity and ruth in our time-honoured halls of Westminster?

Yes, strange as it may seem, all investigations into the physical history of races,—all consideration of languages,—all analogies from the dispersion of plants and animals,—all lead to the same conclusion, that all the nations of the earth are of one blood; and that in the lowest, weakest, ugliest, and most stupid and besotted race yet discovered, there are the elements, however undeveloped, of the greatest, and wisest, and bravest, and fairest. We cannot doubt that this great apparent inequality in the attributes and endowments of mankind, in different times and countries, is a necessary result of that arrangement of Providence, whereby man has

been so constituted as to flourish in all climates, to struggle with all outward difficulties, and to obtain universal dominion. Other living beings have their peculiar haunts and habitats. Man's home and dwelling-place is the whole earth. Wheresoever he roams, he carries with him his power of self-accommodation, and his faculty of subduing all things to his purposes. But for the variety of elements, both physical and moral, in his composition, capable of being educed and developed indefinitely, in correspondence with the diversity of the external conditions of existence, his range would have been limited indeed. Moreover, there would not have been those extraordinary differences in the characteristics of successive ages which are shown by history. Man's development would have been uniform, unvaried, and far less interesting than it has been. But it is plain that the human destinies were not to be brought out in one, nor in many generations. It has been the plan of Providence, so far as our finite powers can follow it, that civilization should come in instalments; and that different ages and different nations should contribute their respective amounts. All history points to the gradual and variable unfolding of the elements of human nature in particular nations, and as truly under the direction of Providence for ultimate good, as any other of the perplexed phenomena submitted to mortal survey. We, of the latest birth of Time, are experiencing some taste of this good. For

us, the Hellenic nations produced the finest embodiments of the beautiful in Art, and the purest models of literature. For us, the Romans laboured and struggled in gaining and improving and preserving dominion. For us, the Crusaders learned the benefit of mingling with other nations. For us, our heroic ancestors, on many a hard-fought field, and in many a lonesome dungeon, and on many a bloody scaffold, taught the great lessons of civil and religious liberty. And above all, and apart from all else, for us, and for all mankind, a particular people was for a time kept separate, for the intensest development of the religious sense,—for the profoundest education in religious truths—and inspired to be the teachers, through their records, of religious hopes and duties to the farthest end of time; and still more, to be the earthly source of the transcendantly most momentous event in history,—the sublimest and most pathetic manifestation of Divine goodness.

We are the fortunate heirs of Time; and having so rich an inheritance of wisdom and knowledge, we are bound to hand it down to our successors, not only unimpaired, but also enlarged and improved. The additions made to it during the last half century will make no inconsiderable theme for the future annalist. The advances in particular branches of Physical Science, and the accessions to Literature, will fill many a luminous page, along which will appear names that speak their

own eulogium. Such are those chiefs of science, LAVOISIER, and DAVY, and DALTON, and WATT, and FARADAY, and LIEBIG, and CUVIER, and HUMBOLDT, and OWEN; and the poets GOETHE, and SCOTT, and BYRON, and MOORE, and WORDSWORTH, and COLERIDGE, and SHELLEY, and LANDOR, and TENNYSON; and the historians HALLAM, and NIEBUHR, and ARNOLD, and MACAULAY; and those illustrious disinterrers of the palaces of the mighty dead, —those readers of symbols which had lost their significance,—those interpreters of tongues that had been mute for centuries, the YOUNGS and CHAMPOLLIONS, the LAYARDS and RAWLINSONS. But the strongest characteristic of this age, will be found in the gregarious pursuit of knowledge, and in the gathering of hosts for works of peace and good-will towards their fellow-men. The former of these is closely related with the object of our meeting on this occasion. We are to-night lending our infinitesimal fraction of assistance to that organization of scientific labour which, by combining the powers and efforts of individuals in societies, enables them to maintain such conquests of knowledge, as have been already acquired, and to make bolder and more extensive incursions into unexplored regions.

# APPENDIX.

## NAMES OF THE GENTLEMEN

WHO SIGNED THE FIRST REPORT OF THE INSTITUTION.

R. Bricdale Ward, Samuel Lunell } *Hon. Secs.*
A. G. Harford Battersby.
Richard Bright.
Robert Bruce.
John Cave.
Andrew Carrick, M.D.
M. Hinton Castle.
Thomas Daniel, *Alderman.*
George Daubeny.
The Rev. John Eden.
George Gibbs.
J. Scandret Harford.
F. C. Husenbeth.
John Haythorne, *Alderman.*
Edward Kentish, M.D.
Joseph Reynolds.
J. E. Stock, M.D.
Thomas Sanders.
John Naish Sanders.
Richard Smith.
Henry Browne, *Treasurer.*

## NAMES OF THE GENTLEMEN

WHO HAVE GIVEN COURSES OF LECTURES FOR THE BENEFIT OF THE INSTITUTION.

| | |
|---|---|
| Dr. Biber ... ... | ... On Faustus. |
| The Rev. Dr. Carpenter | ... On Astronomy, and on the Powers of the Human Mind. |
| Dr. W. B. Carpenter ... | ... On Vegetable Physiology, and on the Lower Classes of Animals. |
| G. T. Clark, Esq. ... | ... On the Organs of the Senses. |

| | |
|---|---|
| The Very Rev. W. D. Conybeare *(Dean of Llandaff)* | On the recent Land Slip at Lyme Regis, and on the Geology of the Bristol District. |
| Dr. D. A. Durtnal ... ... | On the Arts and Antiquities of Italy. |
| J. B. Estlin, Esq. .. ... | On the Eye, — on Astronomy,— on Organs of Sense and the Teeth, and on the Structure and Functions of the Human Frame. |
| Dr. A. Gapper... .. ... | On Zoological and Philosophical Anatomy. |
| The Rev. Thomas Grinfield ... | On the Sacred Poetry, the Life and the Genius of Milton, and on Comus, Lycidas, &c. |
| George W. Hall, Esq. ... | On the New Manure. |
| William Herapath, Esq. ... | On the Gases, including Atmospheric Air, and its modifications. |
| The Rev. Joseph Porter ... | On Shakspeare. |
| Dr. J. C. Prichard, and G. T. Clark, Esq. .. | On the Mummies and Antiquities of Egypt. |
| Dr. Riley ... ... ... | On Zoological and Philosophical Anatomy,—on Erpetology, and on Comparative Anatomy, and the Philosophy of Zoology. |
| Dr. Wallis ... ... ... | On Comparative Anatomy. |
| The Rev. John Williams ... | On the Polynesian Islands. |
| Samuel Worsley, Esq, ... | On Geology. |

## NAMES OF THE GENTLEMEN

WHO HAVE READ PAPERS AT THE PUBLIC MEETINGS OF THE PHILOSOPHICAL AND LITERARY SOCIETY.

The Very Rev. W. D. Conybeare *(Dean of Llandaff)*
The Rev. John Eden.
Dr. Prichard.
Samuel Rootsey, Esq.
C. B. Fripp, Esq.
Dr. Johnson.
H. B. Miller, Esq,
Dr. Gapper.
Thomas Exley, Esq.
Mr. J. S. Miller *(Curator)*
Matthew Moggridge, Esq.
Richard Smith, Esq.
Charles Pope, Esq.
Robert Rankin, Esq.
The Rev. John Skinner.
Dr. Daubeny.
Sir H. T. De la Beche.
John King, Esq.
Philip Duncan, Esq.
Robert Bruce, Junr., Esq.
F. Norton, Esq.
J. B. Estlin, Esq.
Sir C. A. Elton, Bart.
J. M. Gutch, Esq.
Sir R. Colt Hoare, Bart.
Dr. Carrick.
Samuel Worsley, Esq.
Henry Woods, Esq.
Thomas Garrard, Esq.
— Metevier, Esq.
The Rev. Joseph Bosworth.
The Rev. Joseph Porter.
Robert Addams, Esq.
J. Foy Edgar, Esq.
J. C. Swayne, Esq.
— Thompson, Esq.
George Cumberland, Esq.
— Cottle, Esq.
Joseph Reynolds, Esq.
Dr. Riley.
J. H. Moggridge, Esq.
Henry Clark, Esq.
L. E. De Ridder, Esq.
John Harrison, Esq.
J. Dove, Esq.
The Rev. Dr. Carpenter.
Matthew Bridges, Esq.
Dr. Symonds.
Robert Rankin, Jun., Esq.
Mr. Samuel Stutchbury.
Edward Pococke, Esq.
Thomas Wilson, Esq.
Rev. John Hunter.
John Herapath, Esq.
Edward Halse, Esq.
M. H. Hartnell, Esq.
John Price, Esq.

W. Rathbone Greg, Esq.
Dr. Hamilton.
W. Poole King, Esq.
Dr. Williams.
The Marquis Spineto.
G. T. Clark, Esq.
Francis J. H. Rankin, Esq.
Mons. Louis Frechet.
Henry Adcock, Esq.
John Stanton, Esq.
Il Signor Saveiro Donato.
William Herapath, Esq.
Andrews Norton, Esq.
J. S. Duncan, Esq.

Dr. W. B. Carpenter.
William Sanders, Esq.
John King, Esq.
H. Oxley Stephens, Esq.
Dr. W. Budd.
S. Sidney, Esq.
The Rev. G. C. Swayne.
J. Werner, Esq.
James Godfrey, Esq.
Augustin Prichard, Esq.
Francis Barham, Esq.
S. C. Fripp, Esq.
J. G. Swayne, Esq.

EVANS AND ABBOTT, PRINTERS, CLARE-STREET, BRISTOL.